

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

118

Civil Writ Petition No.18804 of 2019
Date of Decision: September 27, 2019

Jatinder Singh

...Petitioner

Versus

Financial Commissioner, Appeals, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Akshit Aggarwal, Advocate
for Mr. Sherry K. Singla, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has challenged the order dated 02.11.2017 (Annexure P-3) passed by the Financial Commissioner (Appeals), Punjab-respondent No.1, order dated 30.01.2017 (Annexure P-2) passed by the Commissioner, Jalandhar Division, Jalandhar, order dated 04.06.2015 (Annexure P-1) passed by the District Collector, Hoshiarpur, whereby the appointment of respondent No.4-Amandeep Singh as Lambardar of Village Nangal Khidarian, Tehsil Garhshankar, District Hoshiarpur, has been made, which order has been upheld up to the Financial Commissioner.

2. It is the contention of learned counsel for the petitioner that the petitioner being the son of deceased Lambardar had a hereditary claim on the post of Lambardar. He contends that the appointment of respondent No.4 merely on the basis of the fact that he is an ex-serviceman cannot sustain. He, thus, contends that the impugned orders deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned orders.

4. There can be no dispute with regard to the fact and the settled proposition of law that if two candidates are found to be equally placed, the benefit of hereditary claim can be taken into consideration. Admittedly, respondent No.4 is an ex-serviceman and in the light of the statutory rules governing the appointment to the post of Lambardar, an ex-serviceman has been given and termed as a special category, which has precedence over the appointment, especially when the said person does not possess any disqualification. Choice of the Collector can only be interfered with if it is found to be illegal, perverse or patently not sustainable, which is not the position in the present case.

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

September 27th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No