

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

**LPA No.1672 of 2019(O&M)
In CWP No.20354 of 2019
Date of Decision: 04.10.2019**

Jagdish Singh

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab and Ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr. B.S. Kathuria, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

1. This Letters Patent Appeal has been filed against the judgment dated 25.07.2019 of the learned Single Judge in CWP No.20354 of 2019 dismissing the writ petition filed by the petitioner.

2. On 24.5.2013, the post of Lambardar in Village Khandoor, Tehsil and District Ludhiana fell vacant on account of death of Kartar Singh, Lambardar. Proceedings for filling up the vacancy were initiated. A proclamation dated 20.09.2013 was issued inviting applications from the interested candidates. The appellant and respondent No.4-Jasbir Singh submitted their applications. The name of respondent No.4-Jasbir Singh was recommended by the Naib Tehsildar as also by the Sub-Divisional Magistrate, Ludhiana West. Vide order dated 18.11.2014, respondent No.4 was appointed as Lambardar by the District Collector, Ludhiana. The appellant preferred an appeal before the Commissioner, Patiala Division, Patiala, who vide order dated 16.04.2015, remanded the case back to the District Collector, Ludhiana for fresh consideration of the

merits of all the candidates. Respondent No.4 filed a revision petition before the Financial Commissioner against the aforesaid order, which was allowed vide order dated 13.12.2018. The order dated 16.04.2015 passed by the Commissioner Patiala Division, Patiala was set aside and order dated 18.11.2014 passed by the District Collector, Ludhiana was upheld and respondent No.4 was appointed as Lambardar of the Village.

3. Learned counsel for the appellant has contended that the appellant is 43 years of age and has passed 7th class. The deceased Lambardar was his father and he used to assist his father in the lambardari work and as such he had gained knowledge and experience. He is entitled to the benefit on that account. On the other hand, respondent No.4 is 34 years of age and has passed 10+2. He also relied on a document (P.4) purported to be a compromise deed signed by respondent No.4 that he would have no objection if the appellant is appointed as Lambardar.

4. Learned Single Judge held that the merits and de-merits of the applicants had been rightly appraised by the learned Collector, which order had been upheld by the learned Financial Commissioner. Respondent No.4 is younger in age than the appellant. He is also more qualified having passed 10+2. Both factors were important considering that education plays a crucial role in the present technological era. The hereditary claim of the appellant would be relevant only if there was a tie between the two candidates on merits. Moreover, the document (P.4) could not be relied on as despite the document purporting to indicate that respondent No.4 had no objection to the appointment of the appellant as Lambardar, respondent No.4 had contested his claim before the Financial Commissioner.

5. There is no illegality in the order of learned Single Judge warranting interference. Accordingly, this appeal is dismissed.

(RAJIV SHARMA)
ACTING CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

October 04, 2019
manoj

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No