

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

106

CIVIL WRIT PETITION NO.7213 OF 2018

DATE OF DECISION: SEPTEMBER 05, 2019

Bhupinder Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Nitish Garg, Advocate,
for the petitioner.

Mr. T.P.S.Chawla, DAG, Punjab,
for the State.

Mr. Sherry K. Singla, Advocate,
for Caveator-respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 08.11.2017 (Annexure P-10) passed by the Financial Commissioner (Appeals), Punjab, Chandigarh-respondent No.1; order dated 02.12.2016 (Annexure P-8) passed by the Commissioner, Roop Nagar-respondent No.2 and order dated 06.11.2012 (Annexure P-6) passed by the Collector, S.A.S.Nagar-respondent No.3, vide which respondent No.4-Charan Singh has been appointed as Lambardar of Village Khelan, Tehsil Dera Bassi, District S.A.S.Nagar.

It is the contention of learned counsel for the petitioner that the petitioner is more meritorious than respondent No.4. He further contends

that respondent No.4 is not a permanent resident of the Village Khelan and he had made his voter card and ration card at the village address only to make him eligible for appointment as Lambardar. The ration card was cancelled by the Food and Supplies Department and he, in fact is a resident of Gurgaon (now Gurugram), Haryana. It is further asserted by him that respondent No.4 remains out of village at Delhi, Mumbai and various other places in the country in relation to his work. He, thus, asserts that appointment of respondent No.4 on the post of Lambardar has been made without taking into consideration the hereditary claim of the petitioner. He, on this basis, contends that the impugned orders cannot sustain and deserve to be set-aside.

On the other hand, learned counsel for respondent No.4 has contended that assertions of counsel for the petitioner are not sustainable as it is fully verified and certified by the competent authority that respondent No.4 is a resident of Village Khelan, Tehsil Dera Bassi, District S.A.S.Nagar. It is further asserted that the Tehsildar had verified the said aspect.

On the basis of the contentions raised by counsel for the parties, this Court, on 09.05.2019, had called for the complete records of appointment of Lambardar of the Village Khelan. Perusal of the said record indicates that there are specific reports in favour of respondent No.4 with regard to be being the resident of Village Khelan. In the light of the verification at the spot with regard to the residency of respondent No.4, the contention of counsel for the petitioner that he is not the resident of the Village, thus, cannot be accepted.

As regards the contention of learned counsel for the petitioner

that he is more suitable for appointment to the post of Lambardar, the said contention also cannot be accepted in the light of the fact that the comparative merit of the candidates has been duly assessed by the Collector, who was the Field Officer and the opinion so formulated by him on the basis of the records as well as the ground reality, cannot be over looked. There is no illegality or perversity in the order as passed by the Collector, which would have persuaded this court to interfere in the order, especially when the Appellate Authority and the revisional authority have found the said opinion of the Collector to be fully justified. The settled proposition of law is that the opinion as expressed by the Collector on the basis of which Lambardar is appointed should not be interfered with lightly until and unless there is some illegality or perversity in the same. There being no such position in the present case, the orders as impugned cannot be faulted with nor do they call for any interference in exercise of extra ordinary writ jurisdiction of this Court.

In view of the above, the writ petition stands dismissed.

September 05, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No