

LPA No.16 of 2019 (O&M)

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

**LPA No.16 of 2019 (O&M)
Date of decision: 09.01.2019**

Gurwinder Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Narinder Singh Dadwal, Advocate, for the appellant.

ARUN PALLI, J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 26.9.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the petitioner-appellant, assailing the order dated 16.2.2015, passed by the District Collector, Ludhiana, as also the orders dated 04.2.2016 and 14.11.2017, dismissing the appeal and then the revision filed by the appellant against the said order, has since been dismissed.

A vacancy of Lambardar had fallen vacant owing to the death of Sh. Jagir Singh, Lambardar of village Akhara, Tehsil Jagraon, District Ludhiana. Two candidates, i.e. Gurwinder Singh (appellant) and Manjit Singh (respondent No.4), were in fray and competed for selection against the said post. Upon a comparative assessment of merit of both the candidates, the District Collector, Ludhiana, reached a conclusion that even though respondent-Manjit Singh had studied upto 5th standard, but he could read and write Punjabi. He was an agriculturist by profession and a

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permanent resident of the village. He was 62 years old and had sufficient experience of public life and functions of the office of Lambardar. He owned three acres of land and often participated in the common works of the village. He also remained President of PTI Committee for 17 long years. On the contrary, though the appellant was a matriculate, but was only 22 years old. And upon being questioned as regards *fard*, *jamabandi* and *hadbast*, by the District Collector, he was unable to answer any. It was found that he had no knowledge of the functions and duties of the office of Lambardar. Thus, respondent-Manjit Singh was more competent and was accordingly appointed as new Lambardar of the village, vide order dated 16.2.2015. Being aggrieved, the appellant filed an appeal against the said order, which was dismissed by the Divisional Commissioner, Patiala Division, Patiala, and even the revision petition, assailing those orders, was dismissed by the Financial Commissioner, (Appeals). And, as indicated above, the appellant assailed the orders, referred to above, vide a writ petition, which too has since been dismissed vide impugned order and judgment. Thus, this appeal.

We have heard learned counsel for the appellant and perused the records.

There cannot be any quarrel with the proposition that discretion to judge/assess the comparative merit of the candidates for appointment to the office of Lambardar primarily rests with the Collector. It is equally well settled that unless the discretion exercised by the Collector is demonstrated to be palpably erroneous or violative of any statutory provisions, it should not be interfered with. Ex facie, the District Collector evaluated the comparative merit and suitability of both the candidates in context of functions and duties of Lambardar and the requirement of the office, and

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concluded: that considering the age, maturity and participation of respondent No.4 in the common works of the village, and he having remained President of PTI Committee for 17 years, was far more suitable for the post than the appellant. Particularly, when the appellant failed to answer the basic questions as regards *fard*, *jamabandi* and *hadbast*. Further, he was barely 22 years old and was not yet capable of discharging the functions and duties of the office. Learned counsel for the appellant could not refer to anything on record to show as to how the orders passed by the revenue authorities as also the impugned order and judgment were either contrary to the record or suffered from any material illegality.

Thus, in the wake of the above, we too are dissuaded to interfere with the discretion exercised by the Collector which has since been affirmed by the higher authorities as also the learned Single Judge. The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 09, 2019

AK Sharma

Whether speaking / reasoned: YES

Whether Reportable:

NO