

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 5745 of 2020

Date of Decision: March 02, 2020

Raj Kumar

.....Petitioner

versus

The Financial Commissioner (Appeals), Punjab, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Neha Sharma, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is a candidate for the post of Lambardar. The Tehsildar and SDM recommended his name but the Collector appointed respondent No. 4 by finding that the petitioner is employed as a Registered Medical Practitioner in the neighbouring village and would not be available to the residents. This order was challenged by way of appeal which was allowed by the Commissioner, Jalandhar Division. However, in revision preferred by respondent No. 4 before the Financial Commissioner, the said order has been set aside.

Learned counsel for the petitioner argues that respondent No. 4 is 69 years of age whereas petitioner is only 46 years of age. Thus, he is more energetic and possesses greater capacity to work than respondent No. 4. Moreover, the village in which the petitioner is working as Registered Medical Practitioner is situated at a distance of only 1 ½ Kms and that is a very short distance. He would be available to the residents of the village despite his work.

I am unable to agree with learned counsel for the petitioner. In Lambardari matters, normally, the choice of the Collector should not be interfered unless the same is perverse. No perversity has been pointed out in the choice of the Collector nor does any perversity exists. Keeping in view the merits and demerits of the parties, the choice has been made which can not be termed to be unreasonable or such that would not be made by any reasonable person. Two opinions are always possible in such matters as some amount of subjectivity is involved.

Thus, I do not find any error in the impugned order. The writ petition is without any merit and the same is dismissed.

March 02, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No