

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

**102**

**C.W.P.No.1312 of 2018**

**Date of Decision:- 12.02.2020**

Data Ram

....Petitioner

vs.

State of Haryana and others

....Respondents

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**BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Ram Darshan Yadav, Advocate,  
for the petitioner.

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**Sudhir Mittal, J. (Oral)**

The petitioner was a candidate for the post of Lambardar. The Collector appointed respondent No.4-Roop Chand as the Lambardar vide order dated 4.9.2012. The petitioner challenged the said order by way of an appeal and the learned Commissioner set aside the order impugned before him and appointed the petitioner as Lambardar by returning a finding that the petitioner was in fact residing in the village. A revision was carried against the aforementioned order by respondent No.4 and the learned Financial Commissioner has set aside the order of the Commissioner vide his order dated 6.9.2017. He has returned a finding that the petitioner is not residing in the village. While holding so, he has upheld a similar finding returned by the learned Collector.

Learned counsel for the petitioner submits that the finding that the petitioner is not residing in the village is erroneous. The fact of his residence in the village is proved by his aadhar card, voter ID card and

ration card. Moreover, the petitioner is an ex-serviceman and is more educated than respondent No.4. He also possesses more property. Thus, he be appointed as the Lambardar.

A perusal of the order of the learned Financial Commissioner shows that reliance has been placed on a ration card of District Alwar, Rajasthan, as well as report dated 6.5.2012 of the SHO, Police Station Dharuhera. Report dated 28.11.2016 of the Collector, Rewari, has also been relied upon. All these documents show that the petitioner in fact resides at Dharuhera. Thus, the findings of the learned Financial Commissioner, being more plausible and reasonable are upheld. The aadhar card, voter ID card as well as the earlier ration card of the village, may not reflect the true position as on the date of application for the post of Lambardar, because they were made much earlier.

Regarding the merits and demerits of the respective candidates, it is settled law that the choice of the Collector must be preferred. The Collector has preferred respondent No.4 and there is nothing on record to indicate that the said preference is illegal or perverse.

There is no merit in the writ petition and the same is accordingly dismissed.

**February 12, 2020**  
**poonam**

**( SUDHIR MITTAL )**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes**

**Whether Reportable**

**No**