

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

Sr. No.113

CWP No.25015 of 2019

DATE OF DECISION: February 18, 2020

AMANDEEP SINGH

..PETITIONER

VERSUS

FINANCIAL COMMISSIONER (APPEALS) PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was a candidate for the post of Lambardar. However, the Collector appointed respondent No.4. Appeal and revision filed by the petitioner have been rejected.

2. Learned counsel for the petitioner has argued that the petitioner was better qualified than respondent No.4 and that respondent No.4 was in unauthorized possession of shamlat land. He has also remained as Sarabrah Lambardar and thus, he should have been appointed as Lambardar.

3. A perusal of the order of the learned Collector shows that the comparative merits of the petitioner and respondent No.4 are almost similar. He has preferred respondent No.4 and the choice cannot be termed to be perverse. It is settled law that unless and until the choice of the Collector is found to be perverse, the same should be respected.

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4. Regarding respondent No.4 being in unauthorized possession of shamlat land, the issue was raised even before the Assistant Collector 1st Grade but the objection was rejected as no proof of unauthorized occupation was brought on record. The reliance placed by learned counsel for the petitioner on pendency of CWP No.14449 of 2017 is misplaced as the said writ petition does not rely on any of the findings of the revenue authorities below. Unless and until a competent authority returns a finding, it cannot be held that respondent No.4 is proved to be an unauthorized occupation of the shamlat land.

5. Finding no merit in the writ petition, the same is dismissed.

February 18, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>