

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP-724-2021

Date of Decision : 13.01.2021

Joga Singh

...Petitioner

Versus

State of Punjab and Ors

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurmeet Singh, Advocate for the petitioner.

Ms. Ambika Bedi, Assistant Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed challenging the order dated 03.02.2017 (Annexure P-2) passed by respondent No. 3 as well as the order dated 02.12.2019 (Annexure P-4) passed by respondent No. 2 by which, respondent No. 4 has been approved as a candidate for appointment as Lambardar for the Village Thakarwal, Tehsil Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was the initial choice for the post of Lambardar of Village Thakarwal and he was appointed as such by the Collector vide order dated 16.02.2016 (Annexure P-1). Learned counsel for the petitioner further submits that the appeal filed by respondent No. 4 against the order dated 16.02.2016 (Annexure P-1) was allowed by the Commissioner, Jalandhar Division,

Jalandhar on 03.02.2017 (Annexure P-2) and respondent No. 4 was held to be more meritorious than the petitioner and was appointed as such. Thereafter, the appeal preferred by the petitioner has been dismissed by the Financial Commissioner (Appeals), Punjab vide order dated 02.12.2019 (Annexure P-4). Learned counsel further submits that the order dated 03.02.2017 (Annexure P-2) as well as order dated 02.12.2019 (Annexure P-4) appointing respondent No. 4 as Lambardar are against the law and are liable to be set-aside.

Though, the challenge to the orders dated 03.02.2017 (Annexure P-2) and 02.12.2019 (Annexure P-4) have been made by the petitioner but no cogent ground except the fact that the petitioner was found suitable by the Collector, hence could not have been replaced by the Commissioner, has been raised. A bare perusal of the impugned orders would show that the authorities below have compared a number of aspects between the petitioner and respondent No. 4 before approving the appointment of respondent No. 4 as Lambardar of the village. Not only respondent No. 4 is younger in age but is better qualified than the petitioner. These facts have been conceded by the learned counsel for the petitioner.

Though learned counsel appearing on behalf of the petitioner argues that the order passed by the Commissioner dated 03.02.2017 (Annexure P-2) as well as order passed by Financial Commissioner (Appeals), Punjab dated 02.12.2019 (Annexure P-4) are against the settled principle of law but no law has been cited in support of the argument.

Once, the facts have been conceded, scope of interference by this Court in the impugned orders is limited as the authorities below are the better judge with regard to the appointment to the post of Lambardar by

evaluating the candidates, who were claiming appointment against the said post.

Learned counsel for the petitioner submits that respondent No. 4 is a driver by profession and hardly remains in the village. On being asked as to whether the said objection was raised before the authorities below, learned counsel concedes that this objection is being raised for the first time before this Court. As, the said argument was never raised for consideration of the authorities below, the same cannot be taken into account by this Court to interfere with the orders passed by respondents No. 2 and 3, which have been impugned in the present writ petition.

No ground is made out to interfere with the impugned orders 03.02.2017 (Annexure P-2) and 02.12.2019 (Annexure P-4).

Writ petition is dismissed.

January 13, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No