

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

.....

(Heard through Video Conferencing)

.....

**CWP No.1946 of 2021
Date of Decision:28.01.2021**

Gurdev Singh

....Petitioner

Vs.

Financial Commissioner, Punjab and others

.....Respondents

.....

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

.....

Present: Mr. Paramjit Rajput, Advocate for the petitioner.

Mr. Nikhil Chopra, Additional Advocate General, Punjab
for respondents No.1 to 3.

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MEENAKSHI I. MEHTA, J.

By way of the present writ petition, the petitioner seeks the indulgence of this Court for issuance of a writ in the nature of certiorari quashing the order dated 20th May, 2014 (Annexure-P1), as passed by respondent No.3 whereby respondent No.4 has been appointed as the '*Lambardar*' of Village Bagwanpur, Tehsil Bholath, District Kapurthala as well as the orders dated 16th August, 2016 (Annexure-P3) and 2nd March 2020 (Annexure-P7) passed by respondents No.2 and 1 dismissing his appeal and revision petition respectively.

2. Bereft of unnecessary details, the facts, as canvassed by the

petitioner in this petition, are that after the dismissal of '*Lambardar*' Santokh Singh, the applications were invited for the appointment of '*Lambardar*' of the afore-said village and 5 candidates, including him (petitioner) as well as respondent No.4, had applied for the said post. He is a Graduate and thus, better educated than respondent no.4, who is merely a Matriculate and he is owner of the land measuring 7 acres whereas respondent No.4 owns 1.5 acres land only. Moreover, respondent No.4 is a full time "Granthi" (Sikh Priest) of Gurdwara at Village Methley located 10 Kms. away from Village Bagwanpur and is, therefore, not available in the village to perform the duties as '*Lambardar*' and his father also defaulted in paying the amount to the Co-operative Society, Bholath but, however, vide order Annexure-P1, respondent No.3 appointed him (respondent No.4) as '*Lambardar*' while observing that he was the son of a deceased '*Lambardar*' and had also remained '*Sarbrah Lambardar*' and as such, he was having experience of working as '*Lambardar*'. He (petitioner) preferred an appeal against order Annexure-P1 but respondent No.2 illegally dismissed the same vide order Annexure-P3. Thereafter, he was constrained to file a revision petition against the said order but the same was also rejected by respondent No.1 arbitrarily vide order Annexure-P7, despite the fact that he had already been acquitted in the criminal case vide judgment dated 1st February, 2018 (Annexure-P5).

3. Mr. Nikhil Chopra, learned Additional Advocate General, Punjab, has joined the proceedings in pursuance of the copy of this petition having been sent to the respondent-State in advance.

4. I have heard learned counsel for the petitioner as well as

learned State counsel in this petition at the preliminary stage and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that the petitioner possesses better educational qualification as well as bigger land holding than respondent No.4 and moreover, respondent No.4 being “Granthi” in a Gurdwara in Village Methley which is situated at a distance of around 10 Kms. from Village Bagwanpur, is not likely to be available in the village at all times and therefore, the petitioner had a preferential right to be appointed as '*Lambardar*' but order Annexure-P1 has illegally been passed for appointing respondent No.4 as '*Lambardar*' and the appeal as well as revision petition as preferred by the petitioner have also been wrongly and arbitrarily dismissed by respondents No.2 and 1 vide orders Annexures P3 and P7 respectively and all these orders are liable to be quashed/set aside.

6. Per contra, learned Additional Advocate General, Punjab for respondents No.1 to 3 argues that in fact, the petitioner was facing trial in a criminal case at the time of applying for the post of '*Lambardar*' and therefore, the impugned orders have been legally and correctly passed by the competent authorities for appointing as well as for upholding the appointment of respondent No.4 as '*Lambardar*' of the Village and therefore, this petition deserves dismissal.

7. A bare perusal of Annexure-P5, i.e. the copy of the judgment as passed by learned Judicial Magistrate Ist Class, Kapurthala on 1st February, 2018 in the criminal case titled as **State Vs. Gurdev Singh etc.**, reveals that the formal FIR had been registered against the present petitioner and some other persons under Sections 323, 324, 341, 379, 34 IPC on 3rd September,

2009 meaning thereby that the said criminal case had been registered against the petitioner even much prior to the post of '*Lambardar*' of Village Bagwanpur having fallen vacant on 5th November, 2012 consequent upon the dismissal of the then incumbent Santokh Singh, as mentioned in the impugned order Annexure-P1 and the afore-mentioned judgment qua his (petitioner's) acquittal in the above-said case was passed on 1st February, 2018, i.e. much later than the appointment of respondent No.4 as '*Lambardar*' vide impugned order dated 20th May, 2014 (Annexure-P1). In these circumstances, even if the petitioner possesses better educational qualification and bigger chunk of land than respondent No.4, even then the fact remains that every appointing authority is supposed/required to select the candidates having clean antecedents and image and has to be all the more cautious and vigilant while selecting candidates for the public offices. Moreover, the order of the appointing authorities is to be interfered with by the Courts if the same smacks of any perversity or illegality. However, I do not find any illegality, irregularity or perversity in the impugned orders and hence, the same do not warrant any interference by this Court.

8. As a sequel to the foregoing discussion, it follows that the instant petition, being sans any merit, deserves dismissal. Accordingly, the same stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

January 28, 2021.

hsp

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