

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP No.18472 of 2021

Date of Decision: 16.09.2021

Narinder Kumar

...Petitioner (s)

Versus

Financial Commissioner (Appeals), Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was a candidate for the post of *Lambardar*, but the Collector appointed respondent no.4 as *Lambardar*. Aggrieved by this order, the petitioner challenged the same by way of appeal before respondent no.2-Commissioner. The appeal was allowed and the petitioner was appointed as *Lambardar*. The Commissioner allowed the appeal primarily on the ground that respondent no.4 had been summoned in a criminal case. Against the order of the Commissioner, respondent no.4 preferred an appeal and the same has been allowed by learned Financial Commissioner (Appeals) vide impugned order dated 05.07.2021.

Learned counsel for the petitioner submits that the petitioner is more meritorious than respondent no.4. Learned Financial Commissioner was in error in finding that no criminal case was pending against respondent no.4 at the time of his appointment as *Lambardar*. The

complaint is of the year 2013. Thus, the impugned order deserves to be set aside.

I have heard learned counsel for the petitioner.

I am not in agreement with learned counsel for the petitioner. Even if criminal complaint was pending against respondent no.4 on the date of his appointment as Lambardar, the same was not a disqualification for his appointment. It is settled law that the choice of the Collector must be respected unless the same is shown to be perverse. The Commissioner has set aside the order of the Collector without finding any perversity in his order and on the basis of that he has been summoned in a criminal case. The summoning order has admittedly been passed after the appointment of respondent no.4 as Lambardar and thus, the Financial Commissioner (Appeals) was justified in setting aside the said order.

The writ petition has no merit and the same is dismissed.

September 16, 2021
AK

(**SUDHIR MITTAL**)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No