

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

CWP-22770-2020(O&M)

Date of decision: 05.01.2021

Amrik Singh

.....Petitioner

Versus

Financial Commissioner, Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sukhdev Singh Khokkar, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The petitioner seeks issuance of a writ in the nature of Certiorari, quashing the order dated 20.01.2020, passed by respondent no.1-the Financial Commissioner (Appeals), Punjab. The dispute is with regard to appointment of a Headman (Lambardar) of village Mehajitpur, Tehsil Sultanpur Lodhi, District Kapurthala. The vacancy arose as the previous Headman was ordered to be removed. Five candidates, including the petitioner and respondent no.6, applied for the post.

The Tehsildar as well as Sub Divisional Magistrate recommended the name of respondent no.6- Suba Singh. The Deputy Commissioner, after considering all aspects of the matter, appointed Suba Singh (Respondent No.6) as the Headman. However, in appeal, the Commissioner reversed the decision and appointed the petitioner to be Headman. The Financial Commissioner has reversed the decision of the Commissioner and restored the decision of the Deputy Commissioner.

Learned counsel, for the petitioner, contends that the

petitioner is more suitable for the post as he is better qualified, owns comparatively more land and is younger than respondent No.6. He further contends that the petitioner, also, has a hereditary claim.

Learned Financial Commissioner has considered these aspects and found that the choice of the Deputy Commissioner can not interfered with unless it suffers from perversity. Although there is a small difference in age, qualification and land holding, however, respondent no.6 is an ex-member of the Panchayat, from 1992 to 1996 and has, also, worked as authorized Sarpanch in the year 1996-1997. The villagers have also given a panchnama in favour of respondent no.6.

Keeping in view the aforesaid facts, learned Financial Commissioner has chosen to restore the choice of the Deputy Commissioner. It is not in dispute that the Deputy Commissioner did make a comparative analysis of merits and demerits of the candidates and arrived at a conclusion. No doubt, Rule 15 of the Punjab Land Revenue Rules, provide that while appointing the Headman, the authorities are required to give consideration to hereditary claim as one of the factors. However, this cannot be the deciding factor. Clause (c) and (d) of Rule 15 of the Punjab Land Revenue Rules, provides that the services rendered by the candidate and his personal influence are to be kept in mind while selecting a Headman. In the present case, respondent no.6 owns approximately 5 acres of land and is of 65 years of age. Still further, it is not in dispute that he is an ex-member of the Panchayat and also, worked as an authorized Sarpanch. The villagers have, also, given panchnama in favour of respondent no.6.

In view of the aforesaid, in exercise of powers under judicial review, this Court can neither sit in appeal over the orders passed by the Quasi Judicial Authorities nor find it appropriate to re-appraise the documentary evidence.

Hence, no ground to interfere is made out. Dismissed.

05.01.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No