

CWP-7875-2022

Date of Decision: 20.04.2022

Krishan Gopal

....Petitioner

VS

Financial Commissioner (Revenue) Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ram Kumar Chauhan, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner was initially appointed as Lambardar but his appointment was set aside in an appeal filed by the unsuccessful candidates. The matter was remanded and after remand the Collector has appointed the private respondent as the Lambardar. Appeal and revision filed by the petitioner have failed.

Learned counsel for the petitioner has argued that the order of the Collector was perverse and deserved to have been interfered with. The same having not been done renders the appellate as well as revisional orders liable to be set aside.

The perversity pointed out by learned counsel for the petitioner is regarding the age. According to him the age of the petitioner actually was 53 years at the relevant time but has been noted as 76 years by the Collector. This would not amount to be perversity that vitiates the order. The actual reason given for appointment of the private respondent is that he is an Ex-serviceman and deserves benefit for the same. There is no dispute that the private respondent is actually an Ex-serviceman and has rendered long service in the Army and is currently drawing

pension. This factor has weighed with the appellate as well the revisional Courts

and, thus, no interference is called for in exercise of jurisdiction under Article 226 of the Constitution of India.

Learned counsel for the petitioner has relied upon *Mahavir Singh vs. Khiali Ram and others, 2009(1) RCR(Civil) 757* to argue that age is a relevant factor. The said proposition is not disputed. As noted earlier the appointment of respondent No. 4 was not based only on the age and, thus, the judgment does not help the petitioner.

The writ petition has no merit and is dismissed.

20.04.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No