

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

**LPA No.406 of 2022 (O& M)
Date of decision: 19.05.2022**

Krishan Gopal

...Appellant

Versus

Financial Commissioner (Revenue) Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORAGE MASIH.
HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

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

SANDEEP MOUDGIL, J.

In the instant intra-court appeal, the appellant has challenged order dated 19.05.2022, passed by the learned Single Bench, vide which the writ petition filed by the appellant has been dismissed, upholding the appointment of respondent No.4 as Lambardar of village Badhowan, Tehsil Garh Shankar, District Hoshiarpur.

2. The factual matrix in brief leading to the present appeal are that one post of SC Lambardar in village Bhadowan, Tehsil Garh Shankar, District Hoshiarpur was created by the revenue authorities. Applications were invited in pursuance to the mandatory proclamation. Three persons namely, Krishan Gopal (present appellant), Joginder Singh and Kishan Singh (respondent No.4) applied for the said post.

3. The question before this Court for adjudication has arisen to the effect as to whether age can be the sole relevant factor for appointment to the post of Lambardar.

4. Mr. Ram Kumar Chauhan, learned counsel for the appellant submits that vide order dated 08.10.2015 the Collector, ordered appointment of appellant-petitioner as Lambardar of village Bhadonwan. Feeling aggrieved, respondent No.4 filed appeal before the Commissioner, Jalandhar Division, Jalandhar, vide order dated 04.01.2017, which was accepted and the case was remanded back to the Collector for its fresh adjudication. It is further brought to the notice of the court that respondent No.3- Collector, vide order dated 24.10.2017, after considering the comparative merits of the candidates, ordered appointment of respondent No.4 as Lambardar of village Bhadowan, District Hoshiarpur. Appeal as well as the revision filed by the appellant-petitioner against the order dated 24.10.2017, were dismissed by the Commissioner and the Financial Commissioner as well, vide orders dated 25.09.2019 and 15.10.2021 respectively.

5. In a challenge made to the orders passed by the revenue authorities by the appellant-petitioner in Civil Writ Petition No.7875 of 2022, the appointment of respondent No.4 as lambardar was upheld by the learned Single Judge and the aforesaid writ petition was dismissed vide impugned judgment dated 20.04.2022.

6. Learned counsel for the appellant vehemently contends that the learned Single Judge, while deciding the writ petition, has failed to appreciate the fact that the appellant-petitioner was younger in age to respondent No.4

and therefore, was more meritorious. No other point was raised before this Court in the present appeal.

7. Having heard learned counsel for the appellant and after going through the records, there is no force in the arguments raised on behalf of the appellant.

8. No doubt, while making appointment of Lambardar, age of a candidate has to be considered as a relevant factor, but the same cannot be the sole basis inasmuch as the appointment has to be made after considering other various factors also including relatable comparative merit.

While examining the issue in hand it is evident from the records that the respondent No.4 happens to be an Ex-Serviceman and as per sub clause (c) to Rule 15 of Punjab Land Revenue Rules, 1909, while making appointment of Headman (Lambardar), services rendered to the State are also to be considered.

9. As a matter of fact, the respondent No.4 being an Ex-Serviceman, who has rendered long service to the Army, has weighed with the revenue authorities as well as the learned Single Bench while upholding his appointment as Lambardar.

The reliance on case law by the learned counsel for the appellant in *Mahavir Singh Vs. Khiali Ram & others, 2009 (1) R.C.R. (Civil) 757*, is also of no help wherein the Supreme Court in clear words said that while making appointment of Lambardar, age of a candidate is relevant factor. It is, thus, quite apparent that age is one only of the factor for consideration but cannot be the sole criteria.

10. We are, in view of the discussions made hereinabove, in agreement with the findings recorded by the learned single judge and therefore, do not find any illegality or infirmity in the order passed dated 09.05.2022 particularly for the observation that an Ex-serviceman is more disciplined and has a greater sense of responsibility and, thus, has been rightly appointed as Lambardar over and over the candidature of the appellant.

11. No interference is, therefore, warranted and the appeal is dismissed, being devoid of merits.

12. In view of the dismissal of main appeal, pending civil mis. application if any, shall also stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

(AUGUSTINE GEORGE MASHI)
JUDGE

19.05.2022

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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