

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

Sr. No.242

**Civil Writ Petition No.18027 of 2019
Date of Decision : September 13, 2022**

Roop Singh

...Petitioner

Versus

Financial Commissioner Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

Mr. Gurvinder Singh, AAG, Punjab.

Mr. Sarwan Singh Sabar, Advocate,
for respondent No.4-Caveator.

SUDHIR MITTAL, J. (ORAL)

This is a lambardari case. Vide order dated 30.09.2015, the Collector appointed the petitioner as Lambardar and appeal thereagainst filed by respondent No.4 was dismissed vide order dated 21.04.2016. Further, revision filed by the said respondent has been allowed vide order dated 25.02.2019.

Learned counsel for the petitioner has submitted that in exercise of revisional jurisdiction, the Financial Commissioner was not justified in examining the merits and demerits of the parties. The choice of the Collector is final and should not be interfered with unless and until a perversity exists therein. Reliance has been placed upon ***Daya Ram vs. Bhagwan and others, 2015 (4) RCR (Civil) 929, Mam Raj vs. Financial Commissioner, Haryana and others, 2015 (46) RCR (Civil) 284, Kushal***

Pal vs. State of Haryana and others, 2012 (67) RCR (Civil) 857 and Rajwant Kaur vs. Financial Commissioner (Animal Husbandry), Punjab and others, 2016 (3) RCR (Civil) 649 to buttress the argument that the choice of the Collector is final.

Learned counsel for respondent No.4 has submitted that the Collector has in fact committed a perversity while returning a finding that the 4th respondent was working as a Lab-Attendant. There is no evidence to this effect on record. On the contrary, the said respondent retired as Primary Head Teacher from the Punjab Education Department on 31.01.2013 and is not working thereafter. An affidavit dated 18.07.2019 to this effect has also been filed in this Court. Moreover, the kalandra under Section 107/151 Cr.P.C. stood closed in June, 2014 as is evident from the written statement filed in this Court.

The affidavit dated 18.07.2019 as well as the factum of closure of the 107/151 Cr.P.C. case in June, 2014 has not been controverted by the petitioner. Procedure for appointment of Lambardar started in March, 2014 and closure of 107/151 Cr.P.C. case in June, 2014 clearly indicates that the said case must have started before initiation of proceedings of appointment of Lambardar.

A perusal of the order of the Collector reveals that he has non-suited the fourth respondent on the grounds that he was working as a Laboratory Assistant and kalandra under Section 107/151 Cr.P.C. was pending against him. Both the grounds were non-existent and thus, the order is perverse. Thus, the revisional authority was justified in interfering

therewith although reasons mentioned by him are not proper and merits of parties could not have been examined by him.

The judgments relied upon by learned counsel for the petitioner in fact support the case of respondent No.4.

The writ petition has no merit and is dismissed.

September 13, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No