

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
112**

**LPA-840-2022 &
CM-2006-LPA-2022**

Date of Decision: October 12, 2022

VIJAY PAL

...APPELLANT

Versus

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

**Present: Mr. Vineet Chaudhary, Advocate,
for the appellant.**

**Ms. Rajni Gupta, Addl. A.G. Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 01.09.2022 including the order, which has been passed by the revenue authorities appointing respondent No. 5-Sunny as Lambardar vide order dated 03.10.2018 (Annexure P-1) passed by the Collector, Karnal.

It is the contention of the learned counsel for the appellant that the appellant is much more meritorious viz-a-viz respondent No. 5 and, therefore, should have been appointed as Lambardar instead of the said respondent.

Another aspect, which has been highlighted by the counsel for the appellant, is that the benefit of hierarchy has been given to respondent

No. 5 by asserting that he is the nephew of an erstwhile Lambardar. On this basis, he contends that the appellant deserves to be appointed to the post of Lambardar instead of respondent No. 5.

We have considered the submissions made by the counsel for the appellant and with his assistance, have gone through the pleadings as also the impugned orders passed by the revenue authorities as also the learned Single Judge but find ourselves not in a position to accept the prayer as has been made by the counsel for the appellant.

It is a settled principle of law that the choice of the Collector should not be interfered with unless there is a perversity, illegality or violation of any statutory provisions while appointing a person as a Lambardar.

It is an admitted position that there is no disqualification as such assigned which would be applicable as far as the appointment of respondent No. 5 is concerned except for the contention that the appellant is more meritorious on all aspects including education, land as also the standing. That itself would not be a ground for setting aside the appointment of respondent No. 5 when there is no illegality in the process of appointment.

The comparative merit, apart from the other characteristics of a person, has been taken note of by the Collector while assessing the comparative status of the candidates while making an appointment to the post of Lambardar. It is, therefore, the choice of the Collector which is based upon proper appreciation of the material available with the said authority including the recommendations made by the subordinate revenue authorities who have all recommended respondent No. 5 to be the most

suitable person for appointment to the post of Lambardar. Even otherwise, we do not find any perversity which would persuade us to accept the stand, as has been projected by the appellant.

As regards the claim and appointment of respondent No. 5 giving him the benefit of hereditary aspect, suffice it to say that the said aspect is not the sole consideration. What has gone in favour of the said respondent is that he had been helping his uncle in performing the duties of the Lambardar and, therefore, would be conversant with the procedure. All the revenue authorities, in the appeal and the revision, have found the appointment of respondent No. 5 to be in accordance with law. In the exercise of the jurisdiction, as has been conferred on the Court where judicial appraisal has to be made, the scope is limited and, therefore, the comparative merit of the candidates cannot be assessed by the Court nor can the Court act as an appellate authority.

Finding no merit in the present appeal, the same stands dismissed.

CM-2006-LPA-2022

In view of the dismissal of the main appeal, the present application has been rendered infructuous and the same is disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

October 12, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No