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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14388-2023

Date of Decision: 06.11.2023

Shinda @ Chinda

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Bandana Dogra, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for setting aside the impugned order dated 09.01.2023 (Annexure P-5) passed by the Financial Commissioner-respondent No.2 and order dated 30.08.2016 (Annexure P-2) passed by District Collector-respondent No.4.

Adumbrated facts of the case are that on account of death of Paramjit, earlier Lambardar of the village Talla, Tehsil Dasuya, District Hoshiarpur, process for the appointment of new SC Lambardar was initiated. *Mushtari Munadi* was conducted in the village for inviting applications from the interested candidates within the prescribed period upto 26.12.2014. In pursuance to the same, four applications were received and candidature of the all four candidates was found to be as follows:-

Sr. No.	Name of candidate	Age	Caste	Qualification	Profession	Special remarks
1.	Som Raj son of Jeet Ram	37	Balmik	12 th Class	Agricultural	
2.	Chhinda son of Paramjit	33	Balmik	5 th Class	Labour	
3.	Balwinder Singh son of Bishan Chand	48	Balmik	8 th Class	Labour	
4.	Gurmukh Singh son of Bishan Dass	49	Balmik	9 th Class	Labour	

Character verifications of all the candidate were conducted and on the appreciation of the applications received, Som Raj (respondent No.7)

was found to be 37 years of age, 12th standard pass and owned 8 acres of agricultural land in the village. On the other hand, Chhinda (petitioner) was found to be 33 years of age and studied upto 5th class. In addition to that, Chhinda (petitioner) was the son of the earlier deceased Lambardar. Learned Collector on evaluation of the inter-se merits of all the candidates, found Som Raj (respondent No.7) to be the most suitable candidate and thus, appointed him as Lambardar of the Village vide order dated 30.08.2016 (Annexure P-2). Aggrieved by the same, two candidates, namely, Balwinder Singh and Shinda (petitioner) filed appeal before the Divisional Commissioner, Jalandhar. Learned Divisional Commissioner, Jalandhar after hearing both the sides, found the appointment made by the learned Collector to be unsustainable in the eyes of law and thus, remanded the case to the Collector for re-consideration vide order dated 30.04.2018 (Annexure P-4). Aggrieved by the same, Som Raj (respondent No.7) filed revision petition before the learned Financial Commissioner, who after hearing both the sides, re-appreciated the evidence on record and accepted the revision filed by Som Raj (respondent No.7) vide order dated 09.01.2023 and thus, set aside the order passed by the Commissioner and upheld the order passed by the Collector. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

It has been vehemently contended by learned counsel for the petitioner that in pursuance to *mushtri munadi* conducted, four applications were received and on the appreciation of the same, the petitioner was found to be younger in age than respondent No.7. She submits that though the petitioner was 5th class pass, however, there is no minimum qualification provided for the appointment of the Lambardar. She has submitted that the

petitioner owned agricultural land and being son of the deceased Lambardar, the petitioner has good experience and knowledge as Lambardar, thus, the petitioner was more meritorious than respondent No.7, however, ignoring the same the learned Collector illegally appointed respondent No.7 to be the Lambardar of the village. She has submitted that respondent No.7 neither has any agricultural land nor had any experience for post of Lambardar and thus, the order passed by the Collector is totally perverse. She has submitted that the learned Commissioner had rightly appreciated the inter-se merits of all the candidates and remanded the case for a decision afresh, which has been illegally set aside by the learned Financial Commissioner. She has further submitted that in view of the facts and circumstances of the case, the impugned orders being perverse, deserve to be set aside.

Heard.

As deciphered from the facts and circumstances of the case, on conducting *mushtri munadi*, four applications were received from the candidates including the petitioner and respondent No.7. Their character verification was conducted. On the evaluation of the inter-se merits of all the candidates, learned Collector appointed respondent No.7 as Lambardar of the village. On perusal of the inter-se merits of all the candidates, it is apparent that respondent No.7 was 37 years of age and 12th class pass by qualification, whereas, petitioner was 33 years of age and only 5th class pass. Thus, the learned Collector rightly found respondent No.7 to be more meritorious and appointed him as Lambardar. The Commissioner ignoring the same, set aside the order passed by the learned Collector and remanded the case for a decision afresh. However, the learned Financial Commissioner re-appreciated the case and found no perversity in the order

passed by the learned Collector.

In Sukhjinder Pal Singh Vs. State of Punjab and others, 2016(3) R.C.R. (Civil) 725, this Court while dealing with the same question has held as under:-

“14. It is pertinent to mention here that the appointment of Lambardar is primarily the prerogative and administrative act of the District Collector. The selection made by him is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in the appointment.”

As per law settled, the Collector is the main authority for appointment of the Lambardar. It is the Collector, who not only appreciates the antecedents of all the candidates in the fray, but also personally interacts with them. Thus, the subjective satisfaction of the Collector cannot be ignored in a cavalier manner.

Thus, this Court finds no perversity in the order passed by the Collector, which is duly upheld by the learned Financial Commissioner. Hence, the present petition being devoid of any merit is hereby dismissed.

06.11.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No