

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1722-2015 (O&M)

Date of Decision: 11.04.2023.

Hari Chand

....Appellant.

Versus

The Financial Commissioner (Revenue) Punjab and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Satveer Singh Badal, Advocate for the appellant.

Ms. Anju Arora, Advocate for respondent No.4.

M.S. RAMACHANDRA RAO, J.(Oral)

The instant LPA has been preferred against the order
dt.22.09.2015 in CWP-20156-2015.

2. By the said order, the learned Single Judge had rejected the
appellant's writ petition, challenging order dt.09.11.2011 passed by The
Collector-cum-Deputy Commissioner, Fazilka (respondent No.3) appointing
respondent No.4 as Lambardar of village Jandwala Meera Sanghla, District
Fazilka, order dt.11.09.2012 passed by the Commissioner, Ferozepur
(respondent No.2), and order dt.05.05.2015 passed by the Financial
Commissioner (Revenue) Punjab (respondent No.1), whereby the appeal
and revision filed by the appellant have also been dismissed.

3. The appellant and respondent No.4 are rivals seeking
appointment to the post of Lambardar in the said village.

4. When fresh applications were invited for filling up the said
post, respondent No.4 was found fit by respondent No.3 in spite of an

objection specifically raised by the appellant before respondent No.3 that respondent No.4 had given wrong information regarding his being Below Poverty Line (BPL), as his name is in the BPL list, and his integrity was thus doubtful.

5. This was disputed by the appellant before respondent No.3, but without advertng to this aspect and giving any finding thereon, respondent No.3 held that respondent No.4 was fit to be the Lambardar of the village.

6. The appellant preferred an appeal against this order before the Commissioner, Ferozepur Division (respondent No.2) and he specifically again raised this issue that respondent No.4 is ineligible as he had obtained a BPL card and so he is of doubtful integrity. Again the allegation was denied by respondent No.4 before respondent No.2, but without advertng to the said aspect, respondent No.2 rejected the appeal.

7. The appellant then preferred a revision petition before respondent No.1 against the order of respondent No.2. He again raised the same contention before respondent No.1, which was again denied by respondent No.4.

8. Respondent No.1 dismissed the revision stating that he had perused the order of respondent No.3; that respondent No.3 had fully discussed the matter including the issue regarding BPL card etc.; and that he did not find any merit in the revision and rejected it.

9. Challenging the same, the writ petition was moved by the appellant.

10. The learned Single Judge, in the impugned order held that respondents No.1 to 3 had given a finding that respondent No.4 had never got a BPL card, that it is only the prerogative of the Collector to compare

the merits of the candidates for appointment to the post of Lambardar and the concurrent findings recorded by the revenue authorities do not suffer from any perversity or illegality and dismissed the writ petition.

11. Assailing the same, this LPA has been filed by the appellant.

12. Learned senior counsel for the appellant had contended that the learned Single Judge erred in holding that respondents No.1 to 3 had given finding that respondent No.4 had never got the BPL card.

13. Though counsel for respondent No.4 sought to contend that this allegation is not proved, in view of the fact that respondents No.1 to 3 in the orders passed by them on 05.05.2015, 11.09.2012 and 09.11.2011 respectively have not given any finding on this aspect, we deem it appropriate to set aside the order of learned Single Judge and also the said orders passed by respondents No.1 to 3 and remit the matter back to respondent No.3 to consider this aspect of the matter since it has bearing on the integrity of respondent No.4 to work as a Lambardar and is an important aspect to be considered while making appointment to such posts.

14. We are not expressing any opinion on the truth or otherwise of the allegation made by the appellant against respondent No.4 and we leave it open to respondent No.3 to consider the said issue within four weeks from the date of receipt of copy of this order after hearing both parties, and we direct respondent No.3 to pass a reasoned order in accordance with law and communicate it to both the parties.

(M.S. RAMACHANDRA RAO)
JUDGE

11.04.2023

Komal

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No