

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

CWP-20046-2023

Date of Decision: 20.11.2023

Suneel Kumar

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagjit Singh Gill, Advocate and
 Mr. Amritpal Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for setting aside the impugned order dated 03.08.2023 (Annexure P-11) passed by the Financial Commissioner in ROA No.11 of 2019-2020 vide which the order dated 13.02.2020 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar in case EA No.14239 of 2019 has been set aside and order dated 28.05.2019 (Annexure P-1) passed by the Collector, Sirsa in case No.40/DC of 2019, has been upheld.

Adumbrated facts of the case are that on account of death of Nek Chand, earlier Backward Class Lambardar of the village Rattakhera, Tehsil Ellenabad, District Sirsa on 15.12.2015, process for the appointment of new Lambardar was initiated. *Mushtari Munadi* was conducted in the village for inviting applications from the interested candidates. In pursuance to the same, 18 applications including Suneel Kumar (petitioner) and Maninder Singh (respondent No.4) were received. Character verifications of all the candidate were conducted and on the appreciation of the applications received, Maninder Singh (respondent No.4) was found to be 32 years of age, 10+2 pass and owned 5 acres of land in the village. On the other hand, Suneel Kumar (petitioner) was found to be 46 years of age and 10th pass and

owned 15½ acres of land in the village. Learned Collector on evaluation of the inter-se merits of all the candidates, finding respondent No.4 to be more meritorious candidate appointed him as Lambardar of the village vide order dated 28.05.2019 (Annexure P-1). Aggrieved by the same, two candidates, namely, Suneel Kumar (petitioner) and Raman Kumar filed two different appeals before the Commissioner, Hissar Division, Hissar. Learned Divisional Commissioner heard both the sides and perused the record and accepted the appeal filed by Suneel Kumar but rejected the second appeal filed by Raman Kumar finding no merit in the same, vide order dated 13.02.2020 (Annexure P-2) and thus, appointed the petitioner as Lambardar of the village. Aggrieved by the same, Maninder Singh (respondent No.4) filed an appeal before the learned Financial Commissioner. Learned Financial Commissioner found the order passed by the Collector suffering from no infirmity and thus, set aside the order passed by the Commissioner, vide order dated 03.08.2023 (Annexure P-11). 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 the petitioner was more meritorious than respondent No.4. He submits that the petitioner was having more land than respondent No.4. It is submitted that the petitioner is a blood donor and actively participated in the welfare of the villagers. He submits that the petitioner also took part in social works and thus, being more meritorious candidate deserves to have been appointed as Lambardar of the village. He submits that though a false and frivolous criminal case was registered against him vide FIR No.216 dated 01.08.2007, under Sections 379, 430 IPC, but the petitioner was

acquitted in the same vide order dated 09.09.2010. He submits that thus, as the petitioner was acquitted in the FIR, there is no stigma against him. It is submitted that the learned Commissioner after hearing and perusing the record has rightly set aside the appointment of respondent No.4 as Lambardar. He submits that learned Financial Commissioner has also fallen in error in accepting the appeal filed by respondent No.4 and thus, illegally restored the order passed by the Collector. He has submitted that in the facts and circumstances of the case, it is apparent that the order passed by the Collector being totally perverse, deserves to be set aside.

Heard.

There is no gainsaying that on the comparison of the inter-se merits of both the candidates, respondent No.4 was found to be younger in age than the petitioner and more qualified than him. Hon'ble Supreme Court in **Mahavir Singh vs. Khiali Ram and others**, 2009(1) RCR (Civil) 757 has held that for the appointment of Lambardar, age of the candidate is a relevant factor.

It has been observed by the learned Collector while appreciating their inter-se merits that respondent No.4 takes active part in social works and he is a progressive farmer. It was further observed by the learned Collector that respondent No.4 was awarded Rs.21,000/- on the State Level in Agri Leadership Summit 2019 and he was also awarded with Kissan Rattan Award by the Deputy Commissioner, Sirsa for not burning the paddy remains and thus his work was appreciated. Besides this he participated in blood donation camps and organized many camps and received appreciation certificates. He also participated in the programme like Literacy Mission, Swachhta Abhiyan etc. being run by the Government.

In view of Rule 15 of the Haryana Land Revenue Rules, reputation is of prime importance for the appreciation of the candidature of a candidate for the post of Lambardar and thus, respondent No.4 was rightly appointed by the 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.

20.11.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No