

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

CWP-22254-2023

Date of decision: 05.10.2023

Baljinder Mangat

... Petitioner

Versus

Financial Commissioner and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Parvinder Singh, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the impugned order dated 27.07.2023 (Annexure P-3) passed by Financial Commissioner, order dated 20.12.2022 (Annexure P-2) passed by the Commissioner, Rupnagar and order dated 07.09.2022 (Annexure P-1) passed by the Deputy Commissioner-cum-District Collector, Shaheed Bhagat Singh Nagar, whereby respondent No.4 has been illegally and wrongly appointed as Lambardar.

Adumbrated facts of the case are that on the demise of Khushwinder Singh, earlier Lambardar of village Nawanshahr, SDM, Nawanshahr vide his letter dated 01.11.2021, started process for the appointment of new Lambardar. *Mushtri Munadi* was conducted in the village for inviting the applications from the interested candidates. Resultantly, four applications were received from the following candidates:-

1. Smt. Baljinder Mangat wife of Harjit Singh Mangat (petitioner)
2. Sh. Vipin Kumar son of Jang Bahadur (respondent No.4)
3. Sh. Charanjit Singh Rattan son of Chet Ram
4. Sh. Ketan Chintu son of Ram Gopal

Character verification of all the candidates were got conducted.

Their inter-se merits were analysed. On the appreciation of the candidature of

the petitioner, namely, Baljinder Mangat, she was found to be 59 years of age and MA by qualification. She was found not associating with any political party and was active as social worker. Respondent No.4 was found to be 44 years and 10+2 pass. He was not associating with any political party and his name was recommended by the Tehsildar, Nawanshahr and SDM, Nawanshahr. On comparison of inter-se merits of all the candidates, the learned Collector found respondent No.4 to be more meritorious and thus, appointed him as Lambardar of the village vide order dated 07.09.2022 (Annexure P-1). Aggrieved by the same, the petitioner filed appeal before the learned Commissioner, Rupnagar Division, Rupnagar. However, the learned Commissioner after hearing both the sides, finding no merit in the appeal, dismissed the same vide order dated 20.12.2022 (Annexure P-2). Again aggrieved, the petitioner filed revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before the learned Financial Commissioner. Learned Financial Commissioner heard both the sides and re-appreciated the case, however, finding no merit in the revision filed, dismissed the same vide order dated 27.07.2023 (Annexure P-3). Thus, the order passed by the Collector has been upheld by both the Appellate and revisional authorities. Hence, the petitioner has approached this Court by way of filing the present petition.

Learned counsel for the petitioner has verheemently contended that as is evident, the petitioner is postgraduate as she is MA by qualification, whereas, respondent No.4 was just 10+2 pass. He has submitted that the petitioner remained active social worker as she conducted plays showing menace of the dowry and drugs. He submits that BDPO, Banga awarded her the certification for her social service rendered in the village in the year 1983. He submits that the petitioner was more qualified and experienced as compared to

respondent No.4, but the learned Collector failed to appreciate the same and thus, illegally appointed respondent No.4 as Lambardar. He submits that the Appellate and revisional authorities again failed to appreciate the merits of the petitioner and thus, drawn wrong conclusion in upholding the order passed by the Collector. He has submitted that the order passed by the Collector being perverse should have been set aside by the Appellate and revisional authorities, but they miserably failed to appreciate the law settled and thus, the impugned orders being unsustainable in the eyes of law deserve to be set aside. He has relied upon the judgment of Hon'ble Division Bench of this Court in CWP-14867-2015 titled as Gram Panchayat Palli Uchi vs. Director Rural Development and Panchayats, Punjab and another, decided on 27.09.2022; Jagdish Singh vs. State of Punjab and others, 2014(36) RCR (Civil) 157; Rajbir vs. State of Haryana and others, 2014(3) RCR (Civil) 370; and Ishwar Singh vs. State of Haryana and others, 2017(1) RCR (Civil) 234.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was 59 years of age and MA by qualification. So far as respondent No.4 is concerned, he was 44 years of age and 10+2 by qualification. There is no denial to the fact that the petitioner is postgraduate, however, on comparison of the inter-se age, it is evident that the petitioner was 59 years of age, whereas, respondent No.4 was 44 years of age. 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. Thus, respondent No.4 being younger in age was the preference of the Collector.

It is settled principle of law that the Collector is the prime authority in the appointment of the Lambardar and respondent No.4 was found to be more suitable for the appointment of the Lambardar. 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 the 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.

All the three subordinate authorities have taken consistent view and thus, order passed by the Collector is found to be suffering from no perversity. This Court in **Hakam Singh vs. Financial Commissioner (Revenue), Punjab and others**, 2016(4) RCR (Civil) 335 while dealing with the same question has held as under:-

“3. Having heard the learned counsel at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since all the three revenue authorities have recorded their concurrent findings of fact, which have been found duly supported by sound reasons, the impugned orders deserves to be upheld.”

There is no dispute regarding the law settled in various judgments cited by learned counsel for the petitioner, however, the same are distinguishable on the facts and circumstances of the case in hand.

In view of the facts and circumstances of the case and on the anvil of law settled, this Court does not find any perversity in the impugned orders and thus, the present petition is dismissed being devoid of any merit.

(RAJESH BHARDWAJ)
JUDGE

05.10.2023
sharmila

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No