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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29135-2023

Date of Decision: December 21, 2023

Gogi Ram

.....Petitioner

Versus

Financial Commissioner and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sherry K.Singla, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing the order dated 06.07.2023, Annexure P-5, passed by respondent No.1, order dated 07.12.2020, Annexure P-3, passed by respondent No.2 and order dated 04.10.2018, Annexure P-1, passed by respondent No.3, i.e. District Collector, Sangrur, whereby respondent No.4 has been appointed as Lambardar of village Amargarh, Sub Tehsil Amargarh, Tehsil and District Sangrur, being illegal, arbitrary and contrary to the mandate of law laid down by the Division Bench of this Court in **Harbhajan Singh vs Financial Commissioner, Punjab and others** LPA No.220 of 2015, decided on 24.09.2015.

Adumbrated facts of the case are that on the death of earlier Lambardar Soni Ram s/o Santa Ram of village Amargarh, on 31.10.2015, the post fell vacant and thus, the process for appointment of new Lambardar was initiated. The *mustari munadi* was conducted on 18.01.2016 for inviting

received. Finally only three candidates, namely, Gogi Ram, (petitioner), Manjinderpal Singh (respondent No.4) and Nahar Singh remained in fray.

Their inter se merits was found to be as follows:-

Details of candidates	01	02	03
1.Name	Manjinderpal Singh	Gogi Ram	Nahar Singh
2.Father Name	Tara Singh	Ambu Ram	Kheona Singh
3.Address	Amargarh	Amargarh	Amargarh
4.Age	31 years	35 years	66 years
5.Education Qualification	B.A.pass	10+2 pass and Diploma Art and Craft Teacher Training	Under matric
6.Relation with earlier Nambardar	Grand son	Nil	Nil
7.Experience	Nil	Nil	Nil
8.Land	--	--	--
9.Character Verification Report	Not convicted	Not convicted	Not convicted
10.Adverse Remarks	Nil	Nil	Nil
Recommendations of the Lower Revenue Officers in whose favour:			
11.Sub-Divisional Magistrate, Malerkotla	--	Gogi Ram	--
12.Tehsildar, Malerkotla	--	Gogi Ram	--
13.Naib Tehsildar, Malerkotla	--	Gogi Ram	--

Learned Collector, on evaluation of overall merits and demerits of all the candidates, who were in fray, found respondent No.4 Manjinderpal Singh to be more meritorious and thus appointed him as Lambardar of the village on 04.10.2018. Being aggrieved, the petitioner filed the appeal before the learned Divisional Commissioner, Patiala, who, after hearing both the sides, found no merit in the appeal and thus dismissed the same vide its order dated 07.12.2020 and thus, affirmed the appointment made by the

Collector. Still aggrieved, the petitioner filed the revision petition under Section 16(1) of the Punjab Land Revenue Act, 1887, before the learned Financial Commissioner, who after hearing both the sides, found nothing wrong in the order passed by the Collector and the Commissioner and thus, dismissed the revision petition vide its order dated 06.07.2023. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner has submitted that respondent No.4 is appointed as a Cashier at Ludhiana in Punjab State Power Corporation Limited which is about at a distance of 50 km from the village. He submits that his availability in the village is debatable. He submits that the Assistant Collector, on inquiring into the candidature of all the candidates, had recommended name of the petitioner to the Collector for his appointment, however, learned Collector had ignored the same and thus had illegally appointed respondent No.4 as Lambardar of the village. He submits that as per Mandate of Rule 15 of the Punjab Land Revenue Rules, the petitioner was obviously more meritorious but the same has been illegally ignored by the Collector and thus, the appointment made by the Collector suffers from perversity. He submits that the appellate authority fails to appreciate the same and thus, has drawn a wrong conclusion in affirming the previous order passed by the Collector. He relies upon the case of **Harbhajan Singh**(supra) and prays for setting aside the orders under challenge.

After hearing the counsel for the petitioner and perusing the record it is apparent that on appreciation of inter se merits of both the

petitioner and that of respondent No.4, respondent No.4 was found to be younger in age, besides this, he was more qualified than the petitioner. Though name of the petitioner was recommended by the SDM and Tehsildar but the Collector, being the prime authority, evaluated the overall merits of both the candidates and found respondent No.4 more suitable candidate to be appointed as Lambardar of the village. The main thrust of the argument raised by learned counsel for the petitioner is that respondent No.4 is appointed as a Cashier in Punjab State Power Corporation Limited at Ludhiana and thus, he would not be available in the village. However, it is an admitted fact that respondent No.4 is residing in the village itself and thus the argument raised by learned counsel for the petitioner regarding his non-availability is based on presumption and assumptions. Admittedly, respondent No.4 is younger in age, more qualified than the petitioner and the Collector being the prime authority, who closely interacts with the candidates has also appointed him as Lambardar, and thus his subjective satisfaction is more relevant regarding the assessment of the candidates in fray.

As per law settled, there is no gainsaying that the choice of the Collector should not be disturbed in a cavalier manner. It is the Collector, who not only appreciates the record of the candidates but also personally interacts with them. 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.”

The same view was taken by the Hon’ble Division Bench of this Court in Ravinder Singh vs. Financial Commissioner (Revenue), Punjab Chandigarh and others, 2012(68) RCR (Civil) 288.

Thus, in view of the law settled, this Court does not find any perversity in the impugned orders and thus, the present petition being devoid of any merit, is hereby dismissed.

December 21, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |