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

CWP-29368-2023

Date of Decision: December 22, 2023

Gagandeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vikas Cuccria, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing the impugned order, dated 09.11.2023 (Annexure P-3), passed by learned Financial Commissioner (Appeal-I), Punjab, Chandigarh, respondent No.1, upholding the order dated 22.07.2022 (Annexure P-2), passed by Commissioner, Ferozepur Division, and the order dated 01.10.2019 passed by District Collector, Shri Muktsar Sahib (Annexure P-1), being nonest in the eyes of law as the right to equality and livelihood as well as the fundamental rights of the petitioner have been infringed. It is further prayed that an opportunity be provided to the petitioner to represent his case afresh as District Collector Sri Muktsar Sahib has not given him a fair hearing and has not appreciated the facts of the case of the petitioner vide which he had claimed his appointment as Lambardar of village Mehna, Tehsil Malout, District Sri Muktsar Sahib.

under the Scheduled Caste Category was created for village Mehna, Tehsil Malout, District Sri Muktsar Sahib vide order dated 25.11.2016. Thus the process for filling up this post was initiated and proclamation was conducted for inviting the applications from the interested candidates. In pursuance of the same two applications were received from the candidates, namely, Kashmir Singh and Satpal Singh. However, SDM Malout vide order dated 08.08.2017 sent the case back to Tehsildar Malout directing him to conduct a fresh proclamation in the village and the same was conducted afresh. In pursuance of the same, nine applications were received including the petitioner-Gagandeep Singh and respondent No.4-Arvel Singh. Ultimately four candidates remained in fray. Their antecedents were verified and on the appreciation of inter se merits, the merit list of candidates was found as follows:

Sr.No.	Name	Age	Educational Qualification	Land holdings	Special Remarks
1.	Sh.Kashmir Singh son of Sh.Jeet Ram	27	10 th	--	Blood Donor
2.	Sh.Baljinder Ram son of Sh. Mahinder Ram	28	Fifth	--	Blood Donor
3.	Sh.Gagandeep Singh son of Sh.Azmer Singh	31	BA/ITI Diploma	--	
4.	Sh.Arvel Singh son of Sh.Jarnail Singh	60	8 th , Course Security Defense	in 1.75 acres	Ex.Service man. Served the Nation giving his services in the Army. Having knowledge about Nambardari works.

On evaluation of inter se merits of all the candidates, learned Collector appointed respondent No.4-Arvel Singh as the SC Lambardar of the village vide order dated 01.10.2019. Aggrieved by the same, petitioner filed appeal before the Commissioner. Co-applicant of the petitioner, namely, Kashmir Singh also filed his independent appeal before the Commissioner. Both the appeals were heard together and decided by the Commissioner by a common order dated 22.07.2022 and affirmed the appointment made by the Collector. Aggrieved by the same, the petitioner filed the revision petition before the learned Financial Commissioner, however, the same was dismissed vide order dated 09.11.2023. Hence the petitioner is before this Court by way of filing of present petition.

Learned counsel for the petitioner has submitted that on the comparison of inter se merits of both the petitioner and respondent No.4, it is evident that the petitioner was much younger than respondent No.4 and was more qualified than him. He submits that the name of petitioner was recommended by the Gram Panchayat for his appointment as Lambardar but the same has been illegally ignored by the Collector and thereafter by the appellate and revisional authorities. He has submitted that as per law settled the candidate younger in age deserves to be preferred. He submits that the petitioner also belongs to the family of defence personnel as his father also served in Army. He submits that keeping in view the law settled, it is evident that order of the Collector is perverse and the same has been illegally affirmed by the appellate and revisional authorities and thus the impugned orders deserve to be set aside.

After hearing the learned counsel for the petitioner and perusing

the record, it is apparent that the petitioner though is younger in age and more qualified than respondent No.4 but it is apparent that respondent No.4 has served in the Army. Respondent No.4 is 60 years of age and 8th pass. He has served in Army and thus rendered services to the Nation. There is no minimum qualification required for appointment of Lambardar. As per Mandate of Rule 15 of the Punjab Land Revenue Act, 1887, respondent No.4 has been found to be the most suitable candidate for the post. There is no denial to the fact that all the authorities have given a concurrent finding.

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 merit in the present petition and hence the same is hereby dismissed.

December 22, 2023

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**(RAJESH BHARDWAJ)
JUDGE**

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