

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2619-2024

Date of Decision: 06.02.2024

Jagsir Singh

..... Petitioner

Versus

Financial Commissioner and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravinsh Bansal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for setting aside the order dated 28.03.2018 (Annexure P-3) passed by the learned Collector-respondent No.3; order dated 28.08.2019 (Annexure P-3) passed by the Commissioner-respondent No.2 and order dated 23.01.2023 (Annexure P-5) passed by learned Financial Commissioner-respondent No.1, whereby respondent No.4 has wrongly and illegally been appointed as SC Lambardar of village Jeonwala, Tehsil Kotkapura, District Faridkot.

Adumbrated facts of the case are that on account of death of Nachhattar Singh, earlier Lambardar of the village Jiwanwala, Tehsil Kotkapura, District Faridkot, post of Lambardar fell vacant and thus, process for the appointment of new Lambardar was initiated. *Mushtri Munadi* was conducted in the village for inviting applications from the interested and eligible candidates. In pursuance to the same, four applications from Jagsir Singh (petitioner), Jaswinder Singh (respondent No.4), Gurmail Singh and Iqbal Singh were received. Their character verifications were got conducted by the Police. On comparison of their inter-se merits Naib Tehsildar, Kotkapura after receiving police report,

recommended the name of Jagsir Singh (petitioner) to be appointed as SC Lambardar of the village to the Tehsildar, Kotkapura, who agreed with the report of Naib Tehsildar, Kotkapura and sent the case to the Sub Divisional Magistrate. The Sub Divisional Magistrate agreeing with all the reports recommended the name of Jagsir Singh (petitioner) for the appointment as SC Lambardar to the Collector. On appreciation of their inter-se merits, Jagsir Singh (petitioner) was found to be 39 years of age and matric pass by qualification. He was son of the deceased Lambardar. As far as Jaswinder Singh (respondent No.4) is concerned, he was found to be 45 years of age and 5th pass by qualification. The Learned Collector on evaluation of the inter-se merits and demerits of both the candidates, finding respondent No.4 to be more meritorious candidate appointed him as Lambardar of the village vide order dated 28.03.2018 (Annexure P-3). Aggrieved by the same, the petitioner filed an appeal before the Commissioner, Faridkot Division, Faridkot. Learned Divisional Commissioner after hearing both the sides found no perversity in the order passed by the Collector and thus, dismissed the appeal vide order dated 28.08.2019 (Annexure P-4). Again aggrieved by the same, the petitioner filed a revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before the learned Financial Commissioner, who heard both the sides and re-appreciated the record, however, finding no perversity in the orders passed by the learned Collector and the Commissioner, dismissed the revision vide order dated 23.01.2023 (Annexure P-5). Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner has contented that on comparison of the inter-se merits of both the candidates i.e. the petitioner

and respondent No.4, the petitioner was younger than respondent No.4 and he was more educated than respondent No.4. He submits that besides this, the petitioner was the son of deceased Lambardar, thus, he was fully acquainted with Lambardari work. He submits that many inhabitants of the village had given statement in favour of the petitioner for his appointment as Lambardar. It is submitted that the petitioner participated in the social welfare activities in the village and he enjoyed a good reputation in the village. However, without considering his merits, the learned Collector illegally appointed respondent No.4 as Lambardar of the village. He submits that the order of the Collector and thereafter, the orders passed by the Appellate and Revisional authorities being perverse deserve to be set aside.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that though the petitioner was younger and more qualified than respondent No.4, however, in the overall comparison of the inter-se merits, respondent No.4 was found to be most suitable candidate by the Collector and thus, finding him more suitable for the post, he was appointed as Lambardar of the village. The view taken by the Collector was upheld by the learned Commissioner and the learned Financial Commissioner. The main thrust of the arguments raised by counsel for the petitioner that the petitioner was the son of deceased Lambardar, however, the same cannot be a ground for the appointment of 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 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. Respondent No.4 was found having good reputation among the villagers. 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 for the petitioner 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.”

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

06.02.2024
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No