

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

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LPA-480-2024 (O&M)

Date of decision: 24.04.2024

Tarsem Lal

....Appellant

Versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Satbir Rathore, Advocate
for the appellant.

DEEPAK SIBAL, J.(ORAL)

The present intra-court appeal is directed against the judgment dated 29.01.2024 passed by a learned Single Judge of this Court allowing respondent No.5's writ petition filed by him to challenge therein the order of the Financial Commissioner, Punjab (for short – the FC) through which the FC reversed the orders passed by the Commissioner, Jalandhar and Collector, Hoshiarpur, through which orders respondent No.5 had been appointed as Lambardar of village Langah, Tehsil Mukerian, District Hoshiarpur.

2) The appellant and respondent No.5 are both ex-serviceman. Both have also remained Sarpanch of the village. Neither of them have incurred any disqualification for being appointed as a Lambardar. After comparison of their *inter se* merits, the Collector chose respondent No.5 over the appellant because at the time of such selection, respondent No.5 was 57 years of age whereas the age of the appellant was 69 years.

- 3) The appellant challenged the order of the Collector by way of an appeal which was dismissed by the Commissioner. However, his revision petition was accepted by the FC.
- 4) A Division Bench of this Court in *Harjit Singh Vs. State of Punjab, 2023(4) RCR(Civil) 408*, has held that in the appointment of Lambardar, the choice of the Collector should be interfered with only if perversity is found in the order of the Collector. Further, the Supreme Court in *Mahavir Singh Vs. Khiali Ram, 2009 (1) RCR(Civil) 757* has held that in case *inter se* merits of the rival candidates who have applied for appointment as a Lambardar are virtually the same then the candidate younger in age should be preferred.
- 5) In the light of the facts of the present case and the law laid down in Harjit Singh’s case (supra) and in Mahavir Singh’s case (supra), the learned Single Judge is found to have committed no error, in fact or in law, to uphold the selection of Lambardar made by the Collector, especially when it is not disputed that as on date the appellant is over 75 years of age.
- 6) Dismissed.
- 7) Pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)

JUDGE

(DEEPAK MANCHANDA)

JUDGE

24.04.2024

Sapna

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