



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.108

LPA-1352-2024 (O&M)

Date of decision : 29.05.2024

Salinder Singh

..... Appellant

Versus

State of Punjab and others

..... Respondents

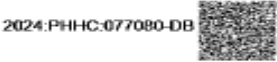
CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.Munish Gupta, Advocate, for the appellant.

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DEEPAK SIBAL, J. (Oral)

1. On the death of Shingara Singh (father of respondent No.5) the post of Lambardar in village Chandeli, District Hoshiarpur fell vacant. Applications were invited from interested and eligible candidates for filling up the vacated post. Many eligible candidates applied but in the end only the appellant and respondent No.5 were left in the fray. The Tehsildar, Garhshankar and SDM, Garhshankar recommended respondent No.5's name for being appointed as Lambardar. The Collector considered the rival merits of both the contesting candidates and concurring with the recommendations made by his subordinates ordered the appointment of respondent No.5 as Lambardar. The appellant challenged the order of the Collector through filing of an appeal which was dismissed by the Commissioner, Jalandhar, Division. He then approached the Financial Commissioner (Appeals), Punjab (for short, the FC) who set aside the orders of the Collector and the Commissioner and ordered appointment of the appellant as Lambardar primarily on the ground that he was an ex-serviceman. Respondent No.5 petitioned this Court to challenge therein the order of the FC. The learned Single Judge found that the FC had in a casual manner set aside the order passed by the Collector appointing respondent No.5 as Lambardar and this was against the law laid down by the Supreme Court in *Mahavir Singh vs. Khiali Ram and others* 2009(1) RCR (Civil) 757 and by this Court in *Sukhjinder Pal Singh vs. State of Punjab*



and others 2016(3) RCR (Civil) 725. Accordingly, the learned Single Judge set aside the order of the FC and restored the orders of the Collector and the Commissioner. It is in this background that the present intra court appeal has been filed by the appellant to challenge therein the judgment of the learned Single Judge.

2. Learned counsel for the appellant has been heard.
3. Shingara Singh was Lambardar of village Chandeli, District Hoshiarpur. He died on 18.12.2009. Thereafter, applications were invited to fill up the vacated post. Many applicants applied but later only the appellant and respondent No.5 were left in the fray. Respondent No.5 is the son of Shingara Singh. His name was recommended by the Tehsildar, Garhshankar and the SDM, Garhshankar for being appointed as Lambardar. After considering the following *inter se* merits of the appellant and respondent No.5 the Collector, Hoshiarpur also ordered the appointment of respondent No.5 as Lambardar:-

Name of the candidate	Salinder Singh (respondent No.5)	Tejinder Singh (petitioner)
Land holding in village	04 Acres, 01 Kanal & 17 marlas of land and 10 acres of land in the name of his wife and children	3 acres, 06 kanals and 18 marlas
Profession	Ex-serviceman (retired from Army)	Agriculturist
Education	8 th	Matriculate
Donation	-	Donated Rs.5,000/- to Guru Nanak Anath Ashram
Age	60 years	44 years
Any other details	(a) Received medals for good service and gallantry (b) Candidate Rattan Singh withdrew candidature in favour of Salinder Singh	(a) son of deceased Lambardar (b) Chairman of Rural Education Development Committee of Government Elementary School Education, Chandeli (c) After the death of his father, he collected Chowkidara on behalf of his father. (d) Gram Panchayat village Chandeli passed a resolution in his favour.

4. The appellant’s appeal filed by him against the order of the Collector was dismissed by the Commissioner, Jalandhar Division. However, the FC, primarily on the ground that the appellant was an ex-serviceman, set aside the appointment of respondent No.5.



5. After considering the afore facts, we are of the opinion that the FC should have not interfered with the appointment made by the Collector in such a casual manner especially when no unjustness, much less perversity, was found in the order of the Collector and that the order of the Collector was based on the recommendations made by the concerned Tehsildar and the SDM and had also been upheld by the Divisional Commissioner.

6. In view of the above no merit is found in the instant intra court appeal.

7. Dismissed.

8. All other pending miscellaneous applications also stand disposed of.

[DEEPAK SIBAL]
JUDGE

29.05.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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