

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.086374-DB



(105)

LPA-946-2024 (O&M)
Decided on : 11.07.2024

Bani Singh

.....Appellant(s)

Versus

Financial Commissioner, Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Vineet Chaudhary, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

CM-2331-LPA-2024

Application for condonation of delay of 107 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 107 days in filing the appeal is condoned.

CM stands disposed of.

LPA-946-2024

1. Challenge in the present letters patent appeal is to the order of the learned Single Judge dated 16.11.2023 passed in **CWP No.17857 of 2014** whereby the concurrent findings of the authorities below have been upheld and the appointment of the private respondent as Lambardar namely Chander Sekhar has been upheld.

2. The reasoning which weighed with the learned Single Judge was that the Collector is the main authority for appointment of the Lambardar. It was held that it is the Collector who not only appreciates the antecedents of all the candidates in the fray, but also personally interacts with them and, therefore, subjective satisfaction of the Collector cannot be ignored. Reliance was placed upon the judgment in **Hakam Singh Vs. Financial Commissioner (Revenue), Punjab and others, 2016 (4) RCR (Civil) 335** while dismissing the writ petition. It was noticed that the said respondent being co-parceners has a right in the ancestral property and, thus, was also having property situated in the village. Therefore, the argument that he does not own any land and, thus, was not entitled for appointment as Lambardar was rejected.

3. Counsel for the appellant has vehemently submitted that the order of the Collector was non-speaking and the comparative merits was not discussed as such.

4. We have gone through the said order. A perusal of the same would go on to show that the appellant herein was 36 years old and was 9th Class pass at that point of time. Whereas the private respondent was younger being 28 years old and was 12th Class pass. The private respondent had also deposited more in the Small Savings Scheme and received Basic Electrical Training and was stated to be a son of Ex-Army Man. The revenue officer as such had recommended his name on the basis of which the Collector as such vide order dated 11.08.2010 (Annexure P-10) had appointed him as Lambardar of village Kalawar. The Commissioner, Ambala Division, Ambala vide order dated 07.12.2010 (Annexure P-6) did not interfere in the said order on the ground that merits of both the candidates had been considered and that the private respondent had all the qualifications required for the said post. Similar

was the order passed by the learned Financial Commissioner on 26.07.2012 (Annexure P-9) that the Collector is the final responsible authority for evaluation of relative merits of the candidates and there was no perversity in the appointment. It was held that owning more land would not enable the appellant to become lawful preferred choice for appointment as Lambardar and as the private respondent was more educated, the same was an important advantage. In such circumstances, the learned Single Judge also did not interfere in the concurrent findings of the authorities below.

5. The argument now raised regarding the availability of the private respondent on the ground that he is an electrician and remained outside the village, is not liable to be taken into consideration, as nothing substantial could be pointed out in the form of affidavits or from the record produced before authorities below regarding this aspect. The Apex Court in the case of **Mahavir Singh Vs. Khiali Ram and others, 2009 (1) RCR (Civil) 757** has held that younger candidate has to be given more preference.

6. Resultantly, in view of the cumulative discussion, we are of the considered that the orders passed by the authorities below and the learned Single Judge do not suffer from any infirmity, which would warrant interference in the present letters patent appeal. The present letters patent appeal is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS BAHL)
JUDGE

11.07.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No