



In the High Court of Punjab and Haryana at Chandigarh

LPA No.172 of 2020(O&M)

Date of Decision: 28.08.2024

Sukhwinder Singh

.....Appellant

Versus

Financial Commissioner (Appeals), Punjab and othersRespondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Ms. Neha Jain, Advocate for the appellant.

Ms. Arundhati Kulshrestha, AAG, Punjab.

None for respondent No.4.

G.S. SANDHAWALIA, J.(ORAL)

CM-473-LPA-2020

This is an application under Section 151 CPC seeking condonation of delay of 200 days in re-filing the appeal.

In view of grounds mentioned in the application, same is allowed. Delay of 200 days in re-filing the appeal is condoned.

The application stands disposed of.

CM-474-LPA-2020

This is an application under Section 5 of Limitation Act, 1963, seeking condonation of delay of 67 days in filing the appeal.

In view of grounds mentioned in the application, same is



allowed. Delay of 67 days in filing the appeal is condoned.

The application stands disposed of.

LPA No.172 of 2020

1. Challenge in the present Letters Patent Appeal is to the order dated 19.12.2018 passed in CWP No.37603 of 2018 by the learned Single Judge. The learned Single Judge has chosen not to interfere in the concurrent findings recorded by the Revenue Authorities in the orders appointing private respondent No.4 as a Lambardar for village Nangal Khidarian, Tehsil Garhshankar, District Hoshiarpur.

2. The learned Single Judge has noticed that the only contention the appellant could raise was that he was son of an earlier Lambardar but rejected the claim saying that the said fact would not confer a preferential right on the petitioner. It is to be noticed that the appellant and the private respondent No.4 had the same amount of land holding and approximately the same age but the only added advantage to private respondent No.4 was that he was an ex-serviceman and a Graduate, though from the Army and, therefore, the choice of the District Collector, Hoshiarpur, as such was accordingly upheld.

3. We have perused the record which shows that the District Collector while appointing private respondent No.4-Amandeep Singh noticed the fact that he is 38 years of age in comparison to the present appellant, who is 34 years old. It is further to be noticed that respondent No.4- Amandeep Singh is a graduate as per Army provisions and owns 36 kanals of land, whereas the appellant is only 10+2 pass and owns 10 kanal



13 marlas of land. The candidatures of other candidates namely Jatinder Singh and Rashpal Singh were also duly considered but eventually the private respondent No.4 Amandeep Singh stole a march over everyone else on account of the fact that he was an ex-serviceman and had served 15 years in the Army. The said orders have been concurrently upheld by the Commissioner, Jalandhar Division, Jalandhar, vide order dated 30.01.2017 (Annexure P-5) and by the Financial Commissioner (Appeals), Punjab, vide order dated 02.11.2017 (Annexure P-7). The law stands settled as such on the aspect that the service rendered to the State is an important aspect. Reliance can be placed upon Rule 15(c) of the Punjab Land Revenue Rules, 1968, which is reproduced hereunder:-

“15. Matters to be considered in first appointments.
In all first appointments of headman, regard shall be had among other matters to-

- (a) xx xx xx
- (b) xx xx xx
- (c) services rendered to the State by himself or by his family;”

5. Apparently, the private respondent No.4 Amandeep Singh had served the Army for 15 years and had also got graduation certificate which gives him the edge, thus, we do not find that there is any perversity in the orders passed by the Revenue Authorities. It is a settled principle that in the absence of any perversity, the choice of the District Collector is not to be interfered with, as the Collector is the best man to judge the suitability of the headman of the village. Reliance can be placed upon judgment of this Court in **‘Ranjit Singh Vs. Financial Commissioner, Animal Husbandry, Punjab and others’, 2011(53) RCR (Civil) 573** for the said proposition. In



such circumstances, we do not find any plausible reason to interfere in the present appeal and the same is accordingly dismissed.

(G.S. SANDHAWALIA)
JUDGE

AUGUST 28, 2024
d.gulati

(RITU TAGORE)
JUDGE

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