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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9798-2024 (O/M)

Date of decision : 19.07.2024

Tejpal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

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HARSH BUNGER, J.

1. Petitioner (Tejpal) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, seeking a writ in the nature of certiorari for setting aside of order dated 23.05.2013 (Annexure P-3), passed by learned Collector, Rohtak (respondent No. 4), whereby respondent No. 5 (Ram Avtar) has been appointed as Lambardar of village Lahli, Tehsil Kalanaur, District Rohtak.

1.1 A further prayer has been made for setting aside the order dated 14.10.2015 (Annexure P-4), passed by learned Commissioner, Rohtak Division, Rohtak (respondent No. 3) and order dated 06.02.2024 (Annexure P-5), passed by the learned Financial Commissioner, Haryana (respondent No. 2), whereby appeal as well as revision filed by the petitioner against the learned Collector's order dated 23.05.2013 (Annexure P-3) have been dismissed, respectively.

2. Briefly, upon demise of Shri Ran Singh, Lambardar (General Category) of village Lahli, proceedings were initiated for filling up the vacancy. In pursuance to the proclamation, five candidates (including the petitioner and respondent No. 5) applied for the said vacancy. The Tehsildar, Kalanaur as well as Sub Divisional Officer, Rohtak, recommended the candidature of respondent No. 5 for appointment to the aforesaid vacancy. The learned Collector, Rohtak, vide its order dated 23.05.2013 (Annexure P-3), appointed respondent No. 5 as Lambardar of village Lahli.

2.1 The aforesaid order dated 23.05.2013 (Annexure P-3) came to be challenged by the present petitioner (Tej Pal) and one Pawan Singh by way of two separate appeals before the learned Commissioner, Rohtak Division, Rohtak, and both the appeals came to be dismissed by learned Commissioner, Rohtak, vide a common order dated 14.10.2015 (Annexure P-4).

2.2 Still aggrieved, the petitioner preferred a revision (ROR No.72 of 2015-16) before the learned Financial Commissioner, Haryana, which was also dismissed, vide order dated 06.02.2024 (Annexure P-5).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court, for the relief(s), as noticed above.

4. Learned counsel for petitioner submits that the revenue authorities have erred in appointing respondent No. 5 as Lambardar of village Lahli by ignoring the better merits of the petitioner. It is submitted that the petitioner is financially better than respondent No. 5 and that a number of persons of the village were in favour of the petitioner being

appointed as Lambardar. It is also submitted that the petitioner has more land-holding than respondent No. 5 and he has great influence in the village. It is further contended that respondent No. 5 had embezzled funds of village and he did not deposit abiana in Tehsil office, therefore, respondent No. 5 is not a suitable candidate. Accordingly, it is prayed that the impugned orders be set aside and the petitioner be appointed as Lambardar of village Lahli, Tehsil Kalanaur, District Rohtak.

5. I have heard learned counsel for the petitioner and have also perused the paper book with his able assistance.

6. Here it would be apposite to refer to the comparative merits of the petitioner vis-a-vis respondent No. 5, which can be summed as under :-

Sr. No.	Particulars	Petitioner (Tej Pal)	Respondent No. 5 (Ram Avtar)
1.	Age	43 years	31 years
2.	Educational Qualification	10 th	12 th Pass
3.	Land Holding	72 kanal 12 marla	36 kanal 10 marla
4.	Recommended by	---	Tehsildar and SDO, Rohtak

6.1 A bare glance of the comparative merits would show that respondent No. 5 is younger in age and more educated than the petitioner. It is also noticed that the lower revenue officer(s) recommended name of respondent No. 5 for appointment as Lambardar and he has sufficient land-holding i.e. 36 Kanals 10 Marlas.

7. In *Mahavir Singh Versus Khiali Ram and Others*, 2009(1) RCR (Civil) 757, Hon'ble Supreme Court held that with regard to the appointment of a Lambardar, age of a candidate is a relevant factor. As far

as the recommendations by the lower Revenue Officer is concerned, although, the Collector is not bound by the recommendation made by the Revenue Authorities in favour of a candidate; however, due consideration is to be accorded to such recommendations as they are in a position to assess the suitability of a candidate and such recommendation would have some persuasive value. In this regard, reference can be made to the observations made in the case of ***Hakam Singh Versus Financial Commissioner (Revenue), Punjab***, 2016(4) RCR (Civil) 335 and ***Atma Singh Versus The Financial Commissioner, Revenue, Punjab***, 2016(1) LAR 592.

7.1 Although, petitioner owns more land than the respondent No. 5; however, it is observed that as far as holding of land is concerned, same is taken into consideration only for the purpose of security towards government revenue collected by the Lambardar. Respondent No. 5 has about 36 Kanals 10 Marlas of land, which is sufficient to be taken into consideration for the purpose of security of revenue, collected by the Lambardar. Moreover, in case of ***Gurpreet Singh Versus Financial Commissioner (Revenue), Punjab***, 2017(1) RCR (Civil) 233, this Court has observed that land revenue stood abolished in both the State of Punjab and Haryana, long back, thus owning land by the candidates for the post of Lambardar would not be of much significance any further.

7.2 Furthermore, in the case of ***Kuldip Singh Versus Financial Commissioner, Appeals-II, Punjab***, 2016(1) RCR (Civil) 273; it was held by the Division Bench of this Court that choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein. It is also well established that the learned 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. Thus, the choice of the Collector is required to be respected.

8. I have also considered the submissions of learned counsel for petitioner as regards the allegations of embezzlement of village funds and non deposit of abiana. It is noticed that the said submissions have been considered by the learned Financial Commissioner by observing as follows:-

“3. xxxxx xxxxx xxxxx

(i) xxxxx xxxxx xxxxx

(ii) *That abiana collections are outstanding against the Respondent No. 1 as reported by the Tehsildar, Kalanaur on 15.01.2020 and the Naib Tehsildar, Kalanaur on 17.02.2023. The Respondent no. 1 who is present in person says that the assessee did not pay the abiana dues and hence there are outstanding abiana dues. It is not the case that the respondent no. 1 had misappropriated the abiana collections. In case the Respondent no. 1 had misappropriated the abiana collection after his appointment as Lambardar, it will be open for the Collector to initiate appropriate proceedings under Rule 16 of the Land Revenue Rules.*

(iii) *That the respondent no. 1 wrongly distributed a compensation of Rs. 250/- of the Agriculture Department for the year 2012-13 to Angrezo Devi after her death. It is submitted by the counsel for respondent no. 1 that Angrezo Devi had died issueless and the compensation amount was paid to her brother, being her legal heir. Another case of Ram Mehar was pointed out where the amount was distributed after his death. In this case, the compensation of Rs. 250/- was distributed to his uncle. The respondent no. 1 who is*

present in person explains that he had identified the person only. The distribution of the compensation amounts was the job of the officers of the Agriculture Department. His role was to identify the recipients, which he had done correctly. The objection is hence without merits and is hereby dismissed.”

8.1 In the attending circumstances, the observations (as extracted above) made by the learned Financial Commissioner appear to be justified, moreso when learned counsel for petitioner has failed to dislodge the said observations.

9. Keeping in view the aforementioned circumstances, I do not find any merit in this petition, resultantly, the instant civil writ petition fails and the same is accordingly dismissed. The order dated 23.05.2013 (Annexure P-3), passed by learned Collector, Rohtak, appointing respondent No. 5 (Ram Avtar) as Lambardar of village Lahli, Tehsil Kalanaur, District Rohtak, is upheld.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

19.07.2024
sjks

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