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

CWP No.15881 of 2016

Date of Decision: 11.01.2024

Kulwinder Singh

..... Petitioner

Versus

The Financial Commissioner, Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G. S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Sherry K. Singla, Advocate
for respondent No.4.

Ms. Ravinder Kaur Manaise, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for quashing the impugned order dated 31.05.2010 (Annexure P-1) passed by respondent No.3; order dated 11.02.2013 (Annexure P-2) passed by respondent No.2 and order dated 22.01.2016 (Annexure P-3) passed by respondent No.1 appointing respondent No.4 as Lambardar of the village Moor, H.B. No.22, Tehsil Batala, District Gurdaspur.

Adumbrated facts of the case are that on the death of earlier Lambardar, namely, Roor Singh @ Aroor Singh of village Moor,

Tehsil Batala, District Gurdaspur, the process for appointment of the new Lambardar was initiated. The proclamation was made in the village for inviting the applications from the interested candidates. In pursuance to the same, three applications were received from the candidates, namely, Kulwinder Singh i.e. the petitioner; Ajit Singh i.e. respondent No.4 and Rawail Singh i.e. respondent No.5. Character verification of their antecedents was conducted. On perusal of their applications, their age and qualification etc. were found as follows:

Name	Age	Qualification	Land
Kulwinder Singh	44 years	Matric pass	10 acres of land
Ajit Singh	60 years	Matric pass	10 acres of land
Rawail Singh	57 years	9 th pass	3 acres of land

On evaluation of the *inter se* merits and demerits of all the candidates in fray, the Collector, Gurdaspur found respondent No.4, namely, Ajit Singh to be more meritorious and suitable and thus, appointed him as Lambardar of the village vide his order dated 31.05.2010. Aggrieved by the same, rest of two candidates, namely, Kulwinder Singh i.e. the petitioner and Rawail Singh i.e. respondent No.5 filed their independent appeals before the learned Commissioner, Jalandhar, who decided both the appeals by a common order. The learned Commissioner on hearing all the parties and perusing the record, found no infirmity in the appointment made by the Collector and thus, dismissed both the appeals vide his order dated 11.02.2013. Being aggrieved, both Kulwinder Singh and Rawail Singh filed their independent revision petitions before the learned Financial

Commissioner. The learned Financial Commissioner, Punjab on hearing all the parties and re-appreciating the record, finding no merit in the revision petitions, dismissed the same vide his order dated 22.01.2016 and thus, upheld the order passed by the Collector and the Commissioner. Hence, the petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that on the appreciation of merits of all the candidates, it is apparent that the petitioner was younger in age than other two candidates. He submits that the petitioner was though involved in a false and frivolous case, however on investigation, the same was found to be false and thus, had no criminal antecedents on the date of the appointment. He submits that the learned Collector has miserably failed to appreciate that the candidate younger in age is to be preferred as per the law settled. Besides this, the petitioner has been rejected on the ground that he was involved in a criminal case. He further submits that the learned Collector failed to appreciate that criminal case registered against the petitioner was found to be false and thus, the petitioner was exonerated from the same. He submits that in view of the law settled, the order passed by the Collector was perverse which has been illegally upheld by both the Appellate and Revisional Authorities. It is submitted that the impugned orders being unsustainable in the eyes of law deserves to be set aside by appointing respondent No.4 as lambardar of the village.

Per contra, learned counsel for respondent No.4 has vehemently opposed the submissions made by learned counsel for the

petitioner. He has submitted that finding the respondent No.4 most meritorious candidate among all the candidates, he was appointed as lambardar of the village by the Collector, which has been upheld by both the Appellate and Revisional Authorities and thus, there is concurrent finding in favour of respondent No.4. He submits that admittedly the petitioner was involved in a criminal case and even though he was exonerated in the same, a stigma still remains against the petitioner. He has submitted that respondent No.4 has a neat and clean record as he never faced any criminal prosecution. He submits that merely because the petitioner was younger in age is no ground to consider him as the suitable candidate as he has faced the criminal prosecution. He further submits that the order of Collector can be interfered only in case where it suffers from perversity. However, in the facts and circumstances, the order passed by the Collector suffers from no perversity whatsoever which has been duly upheld by the Appellate and Revisional Authority and thus, the petition being devoid of any merit deserves to be dismissed with costs.

To buttress his arguments, learned counsel for respondent No.4 has relied upon the judgments passed by this Court in “*Harjit Singh vs. State of Punjab and others*”, 2023(4) RCR (Civil) 408 and “*Jagdish Singh vs. State of Punjab and others*”, 2014(36) RCR (Civil) 157.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that on carrying out the proclamation, three applications were received including the petitioner and respondent No.4.

On verification of the criminal antecedents, it was found that the petitioner was involved in a criminal case though he was exonerated in the same. On the other hand, respondent No.4 found to be more suitable. The learned Collector on appreciating the complete facts and circumstances of record and in the light of law settled, found respondent No.4 to be more suitable and thus, appointed him as lambardar of the village. The view taken by the learned Collector was upheld by the Appellate and Revisional authorities wherein the appeals and revision petitions filed by the petitioner and respondent No.5 were found to be without any merits.

As per law settled, there is no gainsaying that the choice of the Collector should not be disturbed in a cavalier manner. It is the Collector, who not only appreciates the record of the candidates but also personally interacts with them. All the three subordinate authorities have taken consistent view and thus, order passed by the Collector is found to be suffering from no perversity. This Court in “***Hakam Singh vs. Financial Commissioner (Revenue), Punjab and others***”, 2016(4) RCR (Civil) 335 while dealing with the same question has held as under:-

“3. Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since all the three revenue authorities have recorded their concurrent findings of fact, which have been found duly supported by sound reasons, the impugned orders deserves to be upheld.”

The same view was taken by the Hon’ble Division Bench of this Court in “*Ravinder Singh vs. Financial Commissioner (Revenue), Punjab Chandigarh and others*”, 2012(68) RCR (Civil) 288.

The judgments relied upon by learned counsel for respondent No.4 further strengthens the view taken by the authorities below.

In view of the over all facts and circumstances of the cases, this Court does not find any infirmity in the impugned order passed by the Collector, which has been upheld by the Appellate and Revisional Authorities. Thus, the present petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

11.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No