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

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Date of Decision: 07.11.2024

Maninder Singh

..... Petitioner

Versus

The Financial Commissioner (Appeal), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**Present:-** Mr. R.S. Chauhan, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Nitin Meel, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

1. Petitioner (Maninder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari* for setting aside impugned order dated 12.01.2016 (Annexure P-1) passed by the learned District Collector, Jalandhar; whereby respondent No.4 (Sukhdev Singh) was appointed as the Lambardar (S.C.) of Village Katpalon, Tehsil Phillaur, District Jalandhar.

1.1 A further prayer has been made by the petitioner for setting aside order dated 08.08.2016 (Annexure P-3) passed by the learned Divisional Commissioner, Jalandhar; in appeal (Revenue Appeal No.31 of 2016) and also the order dated 07.02.2017 (Annexure P-9) passed by the



learned Financial Commissioner (Appeal), Punjab; whereby an appeal and petition (ROR No. 926 of 2016) filed by petitioner were dismissed, respectively.

2. Briefly, on account of demise of Sh. Gian Chand, previous Lambardar (S.C.) of Village Katpalon, Tehsil Phillaur, District Jalandhar; proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, twenty applications (including the one submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Tehsildar, Phillaur as well as learned Sub Divisional Magistrate, Phillaur recommended the name of respondent No.4 (Sukhdev Singh) for appointment to the post of Lambardar (S.C.) of Village Katpalon and forwarded the matter to learned Collector.

2.2 The learned Collector, Jalandhar, vide order dated 12.01.2016 (Annexure P-1), appointed the respondent No.4 (Sukhdev Singh) as Lambardar (S.C.) of Village Katpalon.

3. Being dissatisfied with the aforesaid order (Annexure P-1), petitioner preferred an appeal (Revenue Appeal No.31 of 2016) before the learned Divisional Commissioner, Jalandhar; which was dismissed vide order dated 08.08.2016 (Annexure P-3).

4. Still aggrieved, petitioner preferred a revision petition (ROR No.926 of 2016) before the learned Financial Commissioner, Punjab; which was dismissed vide order dated 07.02.2017 (Annexure P-9).

5. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.



6. The only argument raised by learned counsel for the petitioner is that respondent No.4 does not have clean antecedents as he was involved in case bearing FIR No.171 dated 11.08.2016 (Annexure P-7) under Sections 120-B, 438 and 420 of the Indian Penal Code, registered at Police Station Phillaur.

6.1 On the other hand, learned counsel for respondent No.4 submitted that he already stands acquitted in the said case.

7. Heard.

8. In the present case, respondent No.4 was appointed as Lambardar (S.C.) of Village Katpalon by the learned District Collector, Jalandhar vide order dated 12.01.2016 (Annexure P-1) as he was found most suitable amongst contesting candidates and his name was also recommended by learned Tehsildar and Sub Divisional Magistrate, Phillaur.

9. I have also gone through order dated 12.01.2016 (Annexure P-1) passed by the learned District Collector, Jalandhar; the relevant extract whereof reads as under:-

“ - x - x -

The arguments of the candidates and the Learned counsels lead during the course of arguments have been considered as well as the documents come on file has been perused. The candidate Gurdeep Singh and Maninder Singh are quite young and have less experience of Numberdari work. The candidate Gurdeep Singh is the supplier of milk and he has to go out from the village for the supply of milk due to which, he cannot be made himself available village for the inhabitants of the village at the time of need. The candidate Sukhdev Singh remained the Ex-member of the panchayat due to which, he has wide experience for doing the work of the village inhabitants. This candidate do the work of social welfare. The candidate Sukhdev Singh seems intelligent than the other candidates from the



accent and is fully aware regarding the duties and responsibilities of Numberdari work. So while considering Sukhdev Singh most better and eligible candidate for the post of Numberdar, I hereby appointed Sh. Sukhdev Singh son of Chanan Singh as Numberdar (Scheduled Caste) of Village Katpalon, Tehsil Phillaur, District Jalandhar while giving consent to the recommendations of Tehsildar Sub Divisional Magistrate, Phillaur.”

9.1 A perusal of the order (Annexure P-1) shows that the learned District Collector, Jalandhar has referred to the relative merits and de-merits of the petitioner as well as respondent No.4, and thereafter, he has proceeded to highlight the better merits of respondent No.4 and accordingly, appointed him as Lambardar (S.C.) of Village Katpalon.

9.2 In my opinion, the order dated 12.01.2016 (Annexure P-1) passed by the learned District Collector, Jalandhar is well reasoned and justified. Moreover, the aforesaid order dated 12.01.2016 (Annexure P-1) was further upheld by the learned Divisional Commissioner, Jalandhar as well as learned Financial Commissioner, Punjab vide order dated 08.08.2016 (Annexure P-3) and order dated 07.02.2017 (Annexure P-9), respectively.

9.3 It is well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible; as held by a Division Bench of this Court in **“Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab”, 2016(1) RCR (Civil) 273.**

9.4 Further, since respondent No.4 already stands acquitted in case FIR No.171, I do not deem it appropriate to delve further into the said issue.

10. In view of the aforesaid discussion, the present writ petition fails and the same is, accordingly dismissed. The order dated 12.01.2016

(Annexure P-1) passed by the learned District Collector, Jalandhar;

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appointing respondent No.4 as Lambardar (S.C.) of Village Katpalon, Tehsil Phillaur, District Jalandhar; is maintained.

11. All pending application(s), if any, shall also stand closed.

07.11.2024*Pd***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No