

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

(1) CWP-2510-2016

Rattan Singh

..... Petitioner

Versus

State of Haryana and others

.....Respondents

(2) CWP-13832-2016

Partap Singh

..... Petitioner

Versus

State of Haryana and others

.....Respondents

Date of Decision: 14.02.2024

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.P. Sharma, Advocate, for the petitioner
in CWP-2510-2016.

Mr. M.S. Randhawa, Advocate, for the petitioner
in CWP-13832-2016.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Sandeep Kumar Yadav, Advocate
for respondent No.4 in both cases.

Rajesh Bhardwaj, J.

This order will dispose of above-mentioned two writ petitions
as in both the petitions common impugned orders have been challenged.

Prayer in the present petitions is for setting aside the order
dated 08.12.2010 (Annexure P-1) passed by the Collector, Mahendergarh
order dated 24.05.2013 (Annexure P-2) passed by the Commissioner,
Gurgaon Division, Gurgaon and order dated 29.04.2015 (Annexure P-3)
passed by respondent No.1 Financial Commissioner, vide which respondent
No.4 has wrongly been appointed as Lambardar of the village Bhushan
Kalan, Tehsil Narnaul, District Mahendergarh.

Adumbrated facts of both the cases are that on account of death
of Narain Singh, earlier Lambardar of the village Bhushan Kalan, Tehsil

Narnaul, District Mahendergarh, post of Lambardar fell vacant and thus, process for the appointment of new Lambardar was initiated. *Mushtri Munadi* was conducted in the village for inviting applications from the interested and eligible candidates. In pursuance to the same, six applications were received from the candidates namely, Jatinder Kumar (respondent No.4), Kuldeep Singh, Partap Singh (petitioner in CWP-13832-2016), Rattan Singh (petitioner in CWP-2510-2016), Rakesh Kumar and Ranbir Singh. Their character verifications were got conducted from the SHO concerned. Ranbir Singh and Rakesh Kumar did not come present and they were proceeded *ex parte*. On the evaluation of the inter-se merits of the remaining candidates, Assistant Collector IInd Grade, Narnaul recommended the name of Jatinder Kumar (respondent No.4), whereas, Assistant Collector Ist Grage, Narnaul recommended the name of Partap Singh (petitioner in CWP-13832-2016) for the appointment of Lambardar to the Collector. On comparison of the inter-se merits of all the candidates, it was found as under:-

Name	Age	Education	Land holding	Remarks
Jatinder Kumar	43 years	10 th pass	1½ acres	—
Kuldeep Singh	26 years	10+2 pass	1½ acres	Grandson of deceased Lambardar
Rattan Singh	36 years	10 th pass	15 Kanals 16 Marlas	—
Partap Singh	58 years	BA pass	30 Kanals 4 Marlas	Ex Serviceman

Learned Collector after evaluation of the inter-se merits and demerits of all the candidates, finding Jatinder Singh (respondent No.4) to be more meritorious appointed him as Lambardar of the village vide order dated 08.12.2010 (Annexure P-1). Aggrieved by the same, Rattan Singh, Partap Singh and Kuldeep Singh, filed their independent appeals before the

Commissioner, Gurgaon Division, Gurgaon. Learned Divisional Commissioner after hearing all the parties found no perversity in the order passed by the Collector and thus, dismissed the appeals vide order dated 24.05.2013 (Annexure P-2). Still aggrieved by the same, Kuldeep Singh and Rattan Singh filed their independent ROR before the learned Financial Commissioner, who heard all the parties again and re-appreciated the record, however, finding no merit in both the revision petitions dismissed the same vide order dated 29.04.2015 (Annexure P-3). Hence, aggrieved by the same, the petitioners, namely, Rattan Singh and Partap Singh are before this Court by way of filing the present petitions.

In CWP-2510-2016, learned counsel for petitioner Rattan Singh has submitted that the petitioner was 36 years of age and matric pass and owned 15 Kanals 16 Marlas of land. He has submitted that respondent No.4 was elder than the petitioner and as per the law settled, the candidate younger in age should get the priority but the learned Collector has failed to appreciate the same and thus, has illegally rejected the petitioner, which is totally against the law settled. He submits that the Appellate and Revisional authorities have also failed to appreciate the same. He submits that the order passed by the Collector, which was upheld by the learned Commissioner and the Financial Commissioner, deserves to be set aside by appointing the petitioner as Lambardar of the village.

In CWP-13832-2016, learned counsel for petitioner Partap Singh has contented that the petitioner was 58 years of age and graduate from Army. Besides this, he served in the Armed Forces for 28 years and retired as a Captain. It is submitted that the petitioner received award from the President and he was son of the deceased Lambardar as well. He

has submitted that from the bare perusal of the inter-se merits of all the candidates, the petitioner was the most meritorious candidate, however, he has been illegally rejected by the Collector. He has submitted that the Appellate and Revisional authorities have equally failed to appreciate that the view taken by the Collector was perverse as the petitioner is an Ex Serviceman and as per the mandate of the Rule 15 of the Punjab Land Revenue Rules, the petitioner was the most meritorious candidate, which has not been taken into consideration by all the authorities below. He further submits that in these circumstances, the impugned orders being unsustainable in the eyes of law, deserves to be set aside by appointed the petitioner as Lambardar of the village.

Per contra, learned counsel for respondent No.4 has vehemently opposed the submissions made by counsel for both the petitioners. He has submitted that on the evaluation of the inter-se merits of all the candidates in fray, respondent No.4 was found to be more meritorious. He has submitted that wife of respondent No.4 got sterilization and he is a member of Gaushala and deposited Rs.76,580/- in the small savings. He further submits that the Assistant Collector IInd Grade recommended his name finding him most suitable. He also submits that there was no allegations of any unauthorized possession over the Panchayat land against respondent No.4, but the same were found against co-applicant Kuldeep Singh and Partap Singh. It is submitted that as per law settled, the Collector is the prime authority to appoint the Lambardar and the view taken by the learned Collector was duly upheld by the learned Commissioner and the Financial Commissioner. He submits that thus, there being no perversity in the order passed by the Collector, the present petitions having no merits, deserve to

be dismissed.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the process for the appointment of new Lambardar was initiated after conducting *mushtri munadi*. Though six applications were received, however, finally only four candidates remained in fray. Their character verifications were got done. The inter-se merits of all the candidates were perused and personal hearing was also given to these candidates. In the overall assessment of all the candidates, the learned Collector found respondent No.4 as most meritorious and suitable candidate. It was found that Partap Singh (petitioner in CWP-13832-2016) was the son of the deceased Lambardar, however, it was found that since 1970-71, his father was in a continuous possession over the Gram Panchayat land. Though it was deposed by Partap Singh by way of affidavit that his father had taken this land on lease from the Panchayat @ Rs.75/- per annum, however, no substantial proof was adduced in support of the same. Thus, it was found that after the death of his father, Partap Singh remained in unauthorized possession of this land. As far as case of Rattan Singh is concerned, he was found to be 36 years of age, martic pass, owned 15 K 16 M of land and tractor as well. Learned Collector had the occasion to interact with the candidates and observe them personally and thus, on the basis of his subjective satisfaction, learned Collector found respondent No.4 to be more meritorious and carrying no stigma on his character and as such appointed him as Lambardar of the village. In the appeals filed, evidence was re-appreciated and the parties were heard again, however, no infirmity was found in the view taken by the learned Collector and thus, the appeals

were dismissed. Thereafter, in the revision petitions filed, the petitioners failed to prove any infirmity in the orders passed by the Collector and the Commissioner and thus, remained unsuccessful there as well.

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.”

In **Sukhjinder Pal Singh Vs. State of Punjab and others**, 2016(3) R.C.R. (Civil) 725, this Court while dealing with the same question has held as under:-

“14. It is pertinent to mention here that the appointment of Lambardar is primarily the prerogative and administrative act of the District Collector. The selection made by him is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in the appointment.”

As per law settled, the Collector is the main authority for the 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 subjective satisfaction of the Collector cannot be ignored in a cavalier manner.

In view of the facts and circumstances of the case and on the anvil of law settled, this Court does not find any perversity in the impugned orders and thus, the present petitions are dismissed being devoid of any merit.

14.02.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
: Yes/No
: Yes/No