

2024:PHHC:097145



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

CWP-17966-2024 (O&M)
Date of decision :31.07.2024

TALWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Amandeep Soni, Advocate
for the petitioner.

Mr. Navneet Singh, Senior D.A.G., Punjab.

Mr. Balam Singh, Advocate
for respondent No.5/Caveator.

HARSH BUNGER, J. [ORAL]

Petitioner (Talwinder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking setting aside of order dated 12.12.2017 (Annexure P-1) passed by learned Collector, Hoshiarpur; whereby, respondent No.5 (Ravjit Singh) was appointed as *Lambardar* of Village Bainch, Tehsil and District Hoshiarpur.

A further prayer has been made for setting aside the order dated 16.10.2019 (Annexure P-2) passed by learned Commissioner, Jalandhar and also the order dated 05.02.2024 (Annexure P-3) passed by

learned Financial Commissioner (Appeals), Punjab; whereby, an appeal and revision filed by the petitioner have been dismissed, respectively.

2. Briefly, the previous *Lambardar* (Faqr Singh) of Village Bainch, Tehsil and District Hoshiarpur, expired on 14.02.2013; whereupon, the proceedings were initiated for filling up the afore-said vacancy. In pursuance to the proclamation for filling up the said vacancy, twelve candidates (including the petitioner and respondent No.5) applied. The antecedents of the candidates were got verified from the local police. Learned Tehsildar as well as Sub-Divisional Magistrate, Hoshiarpur recommended the name of one Gurdial Singh, for appointment to the vacant post of *Lambardar*, and the file was sent to the learned Collector, Hoshiarpur.

3. Learned Collector, considered the relative merits/de-merits of the candidates and vide its order dated 12.12.2017 (Annexure P-1) appointed respondent No.5-Ravjit Singh, as the *Lambardar* of Village Bainch.

4. Feeling aggrieved against the afore-said order dated 12.12.2017 (Annexure P-1), the petitioner (Talwinder Singh) filed an appeal before the learned Commissioner, Jalandhar. Similarly, another candidate namely, Gurdial Singh also challenged the afore-said order dated 12.12.2017 (Annexure P-1), by filing a separate appeal. Both the above-referred appeals came to be dismissed by the learned Commissioner, Jalandhar vide common order dated 16.10.2019 (Annexure P-2).

5. Thereafter, the petitioner preferred a revision petition (ROR-346-2020) before the learned Financial Commissioner (Appeals), Punjab. Similarly, one Gurdial Singh, preferred a separate revision petition

(ROR-450-2020) before the learned Financial Commissioner (Appeals), Punjab. Both the afore-said revision petitions came to be dismissed by the learned Financial Commissioner (Appeals), Punjab, vide common order dated 05.02.2024 (Annexure P-3).

6. In the afore-mentioned circumstances, the petitioner has filed the instant writ petition before this Court, for the relief, as noticed here-in-above.

7. Learned counsel for the petitioner submits that the learned authorities below have erred in law and fact in passing the impugned orders. It is submitted that respondent No.5 has been wrongly appointed as *Lambardar*, without considering the better merits of the petitioner. It is stated that the petitioner is younger in age, sufficiently educated and having more land holding/s than respondent No.5; therefore, petitioner should be appointed as the *Lambardar*. Accordingly, it is prayed that the impugned order be set aside and the petitioner be appointed as *Lambardar* of Village Bainch.

8. Per contra, learned counsel for respondent No.5-Caveator, has opposed the submissions made on behalf of the petitioner. It is submitted that the learned Collector, has appointed respondent No.5 as *Lambardar* after considering the relative merits and de-merits of the candidates and the said appointment has been further upheld by the learned Commissioner as well as by the learned Financial Commissioner; therefore, there is no scope for any interference in the impugned orders. Accordingly, prayer for dismissal of the writ petition has been made.

9. I have heard learned counsel for the respective parties and perused the paper-book with their able assistance.

10. Here, it would be apposite to state the relative merits of the candidates, which can be summed up as under :-

<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Talwinder Singh)</i>	<i>Resp. No.5 (Ravjit Singh)</i>
<i>1</i>	<i>Age</i>	<i>36 years</i>	<i>41 years</i>
<i>2</i>	<i>Educational qualification</i>	<i>10th pass</i>	<i>12th pass</i>
<i>3</i>	<i>Land holding/s</i>	<i>30 Kanal – 6 Marla</i>	<i>20 Kanal – 4 Marla</i>
<i>4</i>	<i>Profession</i>	<i>Agriculturist</i>	<i>Agriculturist</i>
<i>5</i>	<i>Recommended by</i>	<i>---</i>	<i>Tehsildar as well as Sub-Divisional Magistrate, Hoshiarpur</i>

10.1 A bare perusal of the above chart would show that there is not much difference in the age of the petitioner and respondent No.5; however, respondent No.5 is more educated than petitioner and his name was recommended by the Tehsildar as well as Sub-Divisional Magistrate, Hoshiarpur.

10.2 Although, the petitioner owns more land than respondent No.5; however, it is observed that so 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 20 Kanals of land, which is sufficient to be taken into consideration for the purpose of security of revenue, collected by the *Lambardar*. Similar view was taken by this Court in *Pishora Singh vs State of Punjab, 2015(2) RCR (Civil) 344*.

10.3 In the case of *Kuldip Singh vs 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.

11. All the three Subordinate authorities have taken consistent view; thus, the order passed by the learned Collector does not suffer from any patent illegality or perversity, which may warrant interference by this Court in exercise of its writ jurisdiction. Therefore, the impugned orders deserve to be upheld.

12. In view of the afore-mentioned facts and circumstances and also the settled law, the present petition is dismissed being devoid of any merit.

13. All pending applications (if any) shall also stand closed.

July 31, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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