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

**CWP No.3552 of 2017 (O&M)
Date of Decision: 24.04.2024**

Inderjit Singh

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Rajeev K. Takkar, DAG, Punjab.

Mr. Tushar Sharma, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J.

CM-14504-CWP-2021

Instant application has been filed for placing on record reply on behalf of respondent No.4 by way of affidavit along with its accompanying Annexure R-1.

For the reasons recorded in the application, reply on behalf of respondent No.4 by way of an affidavit along with Annexure R-1 is ordered to be taken on record.

Application stands allowed.

CWP-3552-2017

1. Present writ petition has been filed for quashing the impugned order dated 03.08.2016 (Annexure P-5) passed by respondent No.1 as well as order dated 19.11.2014 (Annexure P-4) passed by respondent No.2 and order dated 18.02.2014 (Annexure P-3) passed by respondent No.3 respectively being illegal and contrary to law as well as against the facts proved on record. Further prayer has been made for directing respondent No.3 to appoint the petitioner as Lambardar being more meritorious and suitable candidate in comparison to respondent No.4 and to issue Sanad Lambardari in favour of the petitioner and for staying the operation of impugned orders dated 03.08.2016, 19.11.2014 and 18.02.2014.

2. Adumbrated facts of the case are that on the death of earlier Lambardar namely, Gurnam Singh of village Attargarh on 14.12.2011, the post of lambardar in the village fell vacant and thus, the process for appointment of new lambardar was initiated in the village. As a result, the proclamation was made for inviting the applications from interested/eligible candidates. In pursuance to the same, six applications were received including that of the petitioner, namely, Inderjit Singh and respondent No.4, namely, Gurdeep Singh. Their character verifications were got conducted from the concerned police station. On the appreciation of *inter se* merits of the candidates in the fray, the Assistant Collector 1st Grade, Dhanola recommended the name of respondent No.4 i.e. Gurdeep Singh for the appointment of lambardar. On hearing the candidates, the learned Collector vide his order dated 13.09.2012

appointed the candidate, namely, Darbara Singh as lambardar of the village. However being aggrieved by the same, two separate appeals were filed by the candidates, namely, Gurdeep Singh i.e. respondent No.4 and Inderjit Singh i.e. the petitioner before the learned Commissioner, who vide his order dated 24.07.2013, remanded the case to the Collector for a decision afresh. Thus, the Collector re-considered the merits and demerits of all the candidates in the fray. On the evaluation of merits of the candidates, the Collector again found respondent No.4 i.e. Gurdeep Singh to be more suitable and thus, he appointed respondent No.4 as lambardar of the village vide his order dated 18.02.2014. Being aggrieved by the same, the petitioner and co-applicant, namely, Dalbar Singh filed their independent appeals under Section 13 of the Punjab Land Revenue Act before the learned Commissioner, Patiala. All the parties were heard by the Appellate Court, however finding no infirmity in the order passed by the Collector, both the appeals were dismissed by the learned Commissioner vide his order dated 19.11.2014. Still being aggrieved, the petitioner and Dalbar Singh filed their separate revision petitions under Section 16 of the Punjab Land Revenue Act, 1887 before the learned Financial Commissioner assailing the order passed by the Collector and the Commissioner. However the learned Financial Commissioner on re-hearing the case, found no infirmity in the impugned orders passed and thus dismissed the revision petitions vide his order dated 03.08.2016. Thus the order passed by the Collector was affirmed by both the Appellate and Revisional Court. Hence, the petitioner is before this Court by way of filing the present writ petition.

3. Learned counsel for the petitioner has submitted that on the appreciation of *inter se* merits of both the petitioner and respondent No.4, it was found as follows:

Merits	Inderjit Singh	Gurdeep Singh
Age	57 years	32 years
Education	Graduate	10+2
Hereditary claim	Yes	No
Lambardari Experience	Worked as Sarbrah lambardar	No
Land	8 Acres	10 Acre
Recommendations	Tehsildar	Naib Tehsildar & SDM

4. Learned counsel for the petitioner has submitted that the petitioner was a matured person and graduate by qualification. He submits that the petitioner worked as Sarbrah lambardar of the village and had more than 7 acres of land. He has submitted that the petitioner thus was more meritorious than respondent No.4. However the learned Collector failed to appreciate the same and thus illegally appointed respondent No.4 as lambardar of the village. He submits that respondent No.4 belongs to a political party which has been ignored by the learned Collector. He also submits that the petitioner on the other hand was discharged in a criminal complaint vide judgment dated 01.09.2014 and thus, as per the law settled, mere pendency of the criminal complaint would not amount to any disqualification of the petitioner. He submits that the Courts below have failed to appreciate the same and thus, by passing the cryptic orders have declined the candidature of the petitioner. Hence, he submits that the impugned orders being unsustainable in the eyes of law, deserve to be set aside.

5. Per contra, learned counsel for respondent No.4 has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that on the bare perusal of *inter se* merits of both the candidates, it is apparent that respondent No.4 was much younger in age than the petitioner. Besides this, respondent No.4 was 10+2 by qualification. He submits that on the appreciation of merits of respondent No.4, the Naib Tehsildar & SDM recommended his name for the appointment of lambardar. He submits that on the evaluation of overall merits of all the candidates, the learned Collector found respondent No.4 to be most suitable candidate and thus, rightly appointed him as lambardar of the village. He submits that the appeals filed by the petitioner and co-applicant, namely, Dalbar Singh were dismissed by the learned Commissioner vide his order dated 19.11.2014 and the Revisional Court also upheld the order passed by the learned Collector and the learned Commissioner vide his order dated 03.08.2016. He further submits that as per the law settled, Collector is the prime authority for appointment of the Lambardar and his choice cannot be interfered with in a cavalier manner and the same can be interfered with in the situation when the same suffers from patent illegality or perversity. He thus submits that there being no perversity in the impugned orders passed, the present petition being devoid of any merit deserves to be dismissed.

6. Heard.

7. I have heard learned counsel for the parties and perused the record with their able assistance. It is apparent that on the initiation of

process for appointment of lambardar, the applications were invited and on receiving the same, the merits and demerits of all the candidates were duly appreciated. Respondent No.4 was found to be younger in age and 10+2 by qualification. His candidature was recommended by Naib Tehsildar & SDM and finding him more suitable, the learned Collector appointed him as lambardar of the village. The same was challenged by the petitioner and co-applicant, namely, Dalbar Singh. However the learned Commissioner found no merit in the same and thus, dismissed both the appeals filed by them. It was further assailed before the learned Financial Commissioner, however both the petitioner and Dalbar Singh failed to substantiate their claim before the Revisional Court as well. Thus, the learned Financial Commissioner dismissed both the revision petitions. As per the law settled, the choice of the Collector cannot be interfered unless the same suffers from any perversity.

8. The Collector is the prime authority for appointment of the Lambardar and his choice cannot be interfered with in a cavalier manner and the same can be interfered with only in the situation when the same suffers from patent illegality or perversity.

9. However, in the over all facts and circumstances of the case and in the light of law settled, this Court does not find any perversity in the impugned orders passed. All the Revenue Authorities i.e. the Collector, the Commissioner and the Financial Commissioner have taken a concurrent view in favour of respondent No.4. 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.”

10. 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.

11. Thus, this Court finds no substantial reason to differ from the findings rendered by the Authorities below and hence, the present petition being devoid of any merit is hereby dismissed.

24.04.2024

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No