

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:122334-DB



(237)

LPA-921-2022
Decided on :17.09.2024

Jagroop SinghAppellant(s)

Versus

Financial Commissioner (Appeals), Punjab and othersRespondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Rajeev Anand, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab
for respondent Nos.1 to 3.

Mr. Amardeep Singh Gill, Advocate for respondent No.4.

G.S. Sandhawalia, J.(Oral)

1. The present letters patent appeal is directed against the order of the learned Single Judge dated 18.08.2022 passed in CWP-18045-2022, whereby the order of the Financial Commissioner dated 15.03.2022(Annexure P-8) has been upheld.
2. Vide the said order, the Financial Commissioner set aside the order of the Commissioner dated 20.12.2016 (Annexure P-6), who had chosen to appoint the present appellant as Lambardar of village Khasi Kalan, Tehsil Ludhiana (East), District Ludhiana, in spite of the fact that the appellant was a serving Government employee and was working as Superintendent in the Forest Department and, thus, was found to be more reliable and suitable candidate. The perversity in the order, thus, was rectified by the Financial

Commissioner, who held that the Collector is the best person to appoint the Lambardar. It was noticed that respondent No.4-Mukhtiar Singh earlier had worked for 16 years as Lambardar and was a retired officer from CRPF and sufficiently educated upto 10th standard and had served the nation and he had taken part in various wars/operations and also a holder of prestigious President Medal. Resultantly, it was held that only on account of the fact that a person was old in age, the Commissioner had upset the order and, accordingly, the order of the Collector was restored.

3. It was in such circumstances, the learned Single Judge chose not to interfere in the order of the Financial Commissioner and dismissed the writ petition.

4. The law stands settled as such on the aspect that the service rendered to the State is an important aspect. Reliance can be placed upon Rule 15(c) of the Punjab Land Revenue Rules, 1968, which is reproduced hereunder:-

“15. Matters to be considered in first appointments.

In all first appointments of headman, regard shall be had among other matters to-

(a) xx xx xx (b) xx xx xx

(c) services rendered to the State by himself or by his family;”

5. It was in such circumstances, the Collector had chosen to appoint the private respondent as Lambardar (SC) of village Khasi Kalan, Tehsil Ludhiana (East), District Ludhiana, while noticing that the present appellant as such working in the Forest Department and, therefore, cannot give as much time to the villagers. The reasoning was never perverse and Commissioner, thus, erred in reversing the said findings, which has been rectified by the Financial Commissioner and, accordingly, upheld by the learned Single Judge.

6. In such circumstances, we do not find any infirmity in the view taken by the Financial Commissioner and resultantly, there is no merit in the present letters patent appeal and same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

17.09.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No