

227

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

CWP No.8488 of 2018

Date of Decision: 12.02.2024

Amaritpal Singh

..... Petitioner

Versus

**The Financial Commissioner (Appeals),
Punjab, Chandigarh and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Verma, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. R. S. Chauhan, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court praying for quashing the order dated 13.07.2017 (Annexure P-5) passed by respondent No.1 vide which revision petition filed by the present petitioner has been dismissed; order dated 29.05.2014 (Annexure P-3) passed by respondent No.2 vide which appeal filed by the petitioner has been dismissed and order dated 29.02.2012 (Annexure P-1) passed by respondent No.3 vide which the respondent No.4 has been appointed as Lambardar of village Lidhran illegally and wrongly in contradiction to the provisions of Punjab Land Revenue Act 1887 and the relevant rules. Further prayer has been made for directing the official respondents to appoint the petitioner as

Lambardar of village Lidhran and for staying the operation of impugned orders dated 13.07.2017 passed by respondent No.1; order dated 29.05.2014 passed by respondent No.2 and order dated 29.02.2012 passed by respondent No.3 during the pendency of the present petition.

Adumbrated facts of the case are that on the death of earlier Lambardar, namely, Harbhajan Singh on 01.09.2010, the post of Lambardar in village Lidhran, Tehsil and District Hoshiarpur fell vacant. Thus, the process for appointment of new Lambardar was initiated and the mustri munadi was conducted in the village for inviting the applications from interested and eligible candidates. In pursuance to the same, six applications were received from the candidates including the petitioner and respondent No.4. Their character antecedents were got verified by the Police Department. On appreciation of the applications filed, Amaritpal Singh i.e. the petitioner was found to be 31 years of age and matriculate by qualification. Besides this, he owned 07 kanals and 02 marlas of land. He was son of the deceased Lambardar as well. On the other hand, Kashmir Singh i.e. respondent No.4 was found to be 43 years of age and 7th class pass by qualification. Besides this, he owned 21 kanals and 14 marlas of land. He was the member of the Village Agricultural Cooperative Society as well. On the comparison of *inter se* merits of the candidates, Tehsildar Hoshiarpur recommended the name of respondent No.4 i.e. Kashmir Singh to the Sub Divisional Magistrate, Hoshiarpur. The Sub Divisional Magistrate, Hoshiarpur also agreed with the same and recommended the name of respondent No.4 to the Collector for his appointment as Lambardar of the village. On the evaluation of

over all merits and demerits of the candidates in the fray, the District Collector, Hoshiarpur appointed respondent No.4 as Lambardar of the village vide his order dated 29.02.2012. Being aggrieved, the petitioner and other candidate, namely, Mehnga Singh filed an appeal before the learned Commissioner, Jalandhar Division, Jalandhar. The learned Commissioner heard both the sides again and appreciated the merits and demerits of the petitioner and respondent No.4. However, finding no perversity in the order passed by the District Collector, the learned Commissioner dismissed the appeal vide his order dated 29.05.2014. Still being aggrieved, the petitioner filed the revision petition before the learned Financial Commissioner, Punjab i.e. respondent No.1. However, the learned Financial Commissioner after hearing both the sides, found no merit in the revision petition filed by the petitioner and dismissed the same vide his order dated 13.07.2017. Thus, the appointment of respondent No.4 was upheld by the Appellate as well as the Revisional Court. Hence, the petitioner is before this Court by way of filing the present writ petition.

Learned counsel for the petitioner has vehemently contended that on the comparison of *inter se* merits, it is evident that the petitioner was younger in age and more qualified than respondent No.4. He submits that the petitioner is the son of deceased Lambardar as well and thus, he has the hereditary claim as well. He has submitted that in view of the parameters laid down in Rule 15 of the Punjab Land Revenue Act, the petitioner being more meritorious deserve to have been appointed as Lambardar of the village. However, the learned District Collector has

failed to appreciate the same and thus, has illegally appointed respondent No.4 as lambardar of the village. He submits that the order passed by the District Collector being perverse should have been set aside by the Appellate Authority but the Appellate Authority has also fallen in error in dismissing the appeal filed by the petitioner and thereafter, the Revisional Authority again has fallen in error in not appreciating the evidence on record and the law settled. Thus, the impugned orders being illegal and arbitrary are unsustainable in the eyes of law and hence, deserve to be set aside.

Per contra, learned counsel for respondent No.4 has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that though the petitioner was younger in age, however on comparison of the *inter se* merits of both the candidates, there was no substantial difference between the age of both the candidates. He has also submitted that respondent No.4 is 7th class pass and as there is no minimum qualification prescribed for the appointment of lambardar, thus, merits of both the candidates have been rightly appreciated by the District Collector in the light of statutory provisions. He submits that though the petitioner is son of the deceased lambardar, however the hereditary claim alone cannot be a ground for appointment of the lambardar as per the law settled. He has submitted that on the appreciation of *inter se* merits of all the candidates in the fray, finding respondent No.4 more meritorious, his name was recommended by the Tehsildar as well as by the Sub Divisional Magistrate, which was duly appreciated by the District Collector and thus, finding respondent No.4

more meritorious and suitable, he has been appointed as lambardar of the village. He submits that in the appeal filed by the petitioner, the Appellate Authority found no perversity in the order passed by the District Collector and thus, dismissed the same vide his order dated 29.05.2014, Thereafter, the petitioner challenged the order passed by the Collector and the Commissioner before the Revisional Court and he again failed to succeed as there was no perversity found by the Revisional Court as well. He submits that as per the law settled, Collector is the prime authority for appointment of the Lambardar and his choice cannot be interfered in a cavalier manner and the same can be interfered in the situation when the same suffers from patent illegality or perversity. He submits that there being no merit in the petition, the same deserves to be dismissed.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that the process for appointment of new lambardar was initiated after the death of earlier lambardar. On the evaluation of *inter se* merits of all the candidates, respondent No.4 was found to be more meritorious and thus, he was appointed as lambardar of the village by the District Collector, which was upheld by the Appellate and Revisional Authority as well.

Learned counsel for the petitioner has contended that the petitioner was younger in age and more qualified and besides this, he was the son of deceased lambardar as well.

However on perusal of the *inter se* merits, there is no substantial difference in the age of both the candidates. Besides this, qualification wise also though respondent No.4 was found to be less educated than the petitioner, however he was found to be more matured and intelligent by the Collector. Thus, finding respondent No.4 more suitable, the Collector appointed him as lambardar of the village. As per the law settled, the choice of the Collector cannot be interfered unless the same suffers from any perversity.

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.”

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.

Thus, this Court finds no substantial reason to differ from the same and hence, the present petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

12.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No