

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

CWP-28214-2023

Date of decision : 20.03.2024

Gurdev Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Imaan Singh Khara, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the order dated 27.07.2023 (Annexure P-5) passed by respondent No.1 and order dated 25.01.2023 (Annexure P-4) passed by respondent No.2 and order dated 14.07.2022 (Annexure P-3) passed by respondent No.3 being illegal, arbitrary, unconstitutional and against the principle of natural justice. Further prayer has been made for staying the operation of the impugned order dated 27.07.2023 (Annexure P-5) passed by respondent No.1 and order dated 25.01.2023 (Annexure P-4) passed by respondent No.2 and order dated 14.07.2022 (Annexure P-3) passed by respondent No.3.

Adumbrated facts of the case are that on the death of earlier Lambardar namely, Saroop Singh (Scheduled Caste) on 13.09.2021, post of Lambardar fell vacant and thus, the process for the appointment of new Lambardar was initiated. The proclamation was made in the Village for inviting the applications. In pursuance to the same, 13 applications were received. During the final hearing total four candidates remained in the fray i.e. Gurdev Singh (petitioner), Baljit Singh (respondent No.5), Jagjit Singh (respondent No.6) and Jaskaran Singh (respondent No.4). Their

character verification was got conducted from the concerned police station. On appreciation of their merits, Gurdev Singh was found to be 42 years of age and 12th passed by qualification. Besides this, he owned 10 kanal 02 marla of land. Jaskaran Singh was found to be 38 years of age and 10th pass by qualification. Baljit Singh was found to be 52 years of age and 10th passed qualification and Jagjit Singh was found to be 44 years of age and 12th pass. Learned Collector on evaluation of the *inter se* merits of all the candidates, found Jaskaran Singh i.e. respondent No.4 to be the most suitable candidate and hence, appointed him as a Lambardar of the village vide his order dated 14.07.2022. Being aggrieved, petitioner and respondent No.6 filed their independent appeals before the learned Commissioner. Both the appeals were heard together by the learned Commissioner. However, finding no merits in both the appeals, he dismissed the same by upholding the order passed by the Collector vide his order dated 25.01.2023. Still aggrieved, petitioner and respondent No.6 filed their independent ROR i.e. ROR No.388 of 2023 and ROR-425 of 2023 before the learned Financial Commissioner. Both these revision petitions were heard together by the learned Financial Commissioner. However finding no merit in both the revision petitions, the same were dismissed by him vide his order dated 27.07.2023. Hence, being aggrieved petitioner is before this Court by way of filing the present petition.

It has been contended by counsel for the petitioner that on comparison of the *inter se* merits of all the candidates in the fray, it was apparent that petitioner was more qualified and on the basis of the other merits as well, he was the most suitable candidate but the same was illegally ignored by the learned Collector. He has submitted that respondent No.4 was in illegal possession of the Panchayati land as per

Jamabandi for the year 2019-2020. He has submitted that grandfather of the petitioner, Sarup Singh was the previous Lambardar and thus, petitioner had the hereditary claim as well for the appointment of Lambardar. It is submitted that respondent No.4-Jaskaran Singh was not the resident of Gram Panchayat of Basti No.1, 4 and 5 and is permanent resident of another Gram Panchayat of Basti No.6 i.e. Baba Jiwan Singh Nagar as per his Aadhar Card. His name also features in voter list of Gram Panchayat of Basti No.6. However, learned Collector failed to appreciate the same. It is submitted that there is clear violation of principles of natural justice as the petitioner was not granted the sufficient opportunity of hearing. He submits that the impugned order being perverse and cryptic deserve to be set aside.

Heard. On hearing counsel for the petitioner and perusing the record, it is apparent that on the death of earlier Lambardar namely, Saroop Singh, the post of Lambardar fell vacant and thus, the applications were invited for the appointment of Lambardar. On evaluation of the inter se merits of the candidates in the fray, respondent No.4 was found to be the most meritorious and suitable candidate and thus, he was appointed as Lambardar of the Village. The view taken by learned Collector was upheld by the learned Commissioner as well when he dismissed the appeals filed by the petitioner and respondent No.6. On evaluation of the inter se merits, it is apparent that respondent No.4 was younger in age as compared to the other candidates. Besides this, he was 10th class pass. The Sub Divisional Magistrate, Bathinda recommended his candidature after evaluation of inter se merits of other candidates. The same was accepted by the District Collector. The contentions raised by counsel for the petitioner regarding illegal possession made by the petitioner were not

substantiated. As per settled principles of law, the Collector is the prime authority for the appointment of Lambardar who has to take into consideration the overall merits and demerits of all the candidates. It is apparent that the view taken by the Collector was upheld by the Appellate Authority and Revisional Authority. Thus, all the three authorities have taken a concurrent view in favour of the petitioner on re-appreciation of facts of the case. This Court finds no perversity in the orders passed by the authorities below and thus, there being no perversity, the present petition is dismissed.

20.03.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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