

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27662-2022 (O/M)

Date of decision : 13.02.2025

Jattu Ram

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

Mr. C.M. Munjal, Advocate
for respondent No. 4.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Jattu Ram) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 05.09.2022 (Annexure P-6), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Ram Chand, previous Lambardar (General) of village Chak Khund Wala, Tehsil Jalalabad, District Fazilka, proceedings were initiated for filling up the aforesaid vacancy, wherein 16 applications were received including the application submitted by present petitioner (Jattu Ram) and respondent No. 4 (Hans Raj).

2.1 The Tehsildar, Jalalabad as well as Sub Divisional Magistrate, Jalalabad, recommended the candidature of the petitioner (Jattu Ram) for appointment to the aforesaid vacancy and the matter was placed before the learned Collector, Fazilka (in short 'Collector').

2.2 Learned Collector, vide order dated 21.05.2015 (Annexure P-4), appointed the petitioner (Jattu Ram) as Lambardar (General) of village Chak Khund Wala.

2.3 Respondent No. 4 (Hans Raj) challenged the learned Collector's order dated 21.05.2015 (Annexure P-4) by filing an appeal before learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner'), however, the same was dismissed, vide order dated 18.05.2017 (Annexure P-5).

2.4 Still aggrieved, respondent No. 4 (Hans Raj) preferred a revision petition (ROR-709-2017) before learned Financial Commissioner, which came to be allowed, vide order dated 05.09.2022 (Annexure P-6), whereby the orders dated 21.05.2015 and 18.05.2017 (Annexure P-4 and Annexure P-5, respectively), passed by learned Collector as well as Divisional Commissioner, were set aside and respondent No. 4 (Hans Raj) was appointed as Lambardar (General) of village Chak Khund Wala.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for the relief(s), as noticed hereinabove.

4. Heard.

5. The comparison of the merits of the petitioner and respondent No. 4, as noticed by learned Collector, are as under :-

Particulars	Petitioner (Jattu Ram)	Respondent No. 4 (Hans Raj)
Age	42	52
Educational qualification	Middle class pass	5 th class pass
Landholding	25 acres	16 acres
Recommended by	Tehsildar, Jalalabad and Sub Divisional Magistrate, Jalalabad	--
Remarks	Son of previous Lambardar	--

5.1 Considering the aforesaid comparison of the candidates and finding the petitioner as most suitable person, learned Collector appointed the petitioner as Lambardar (General). Learned Collector also took note of the fact that there was a criminal case under Section 323/325 IPC was filed against the petitioner (Jattu Ram), however, he already stood acquitted from the said case. Learned Collector's order was further upheld by the learned Divisional Commissioner.

6. Learned Financial Commissioner has set aside the orders passed by learned Collector as well as learned Divisional Commissioner only on the ground that a criminal case was filed against the petitioner. He further observed that although petitioner was acquitted, however, the stigma still remains.

7. In my considered view, merely because a criminal complaint was filed against the petitioner, that would not dis-entitle a person for consideration to appointment for the post of Lambardar (General). In the present case, the petitioner was acquitted and, therefore, mere filing of criminal complaint against the petitioner cannot be taken to his dis-advantage, especially when the candidature of the petitioner is more meritorious than respondent No. 4 (Hans Raj), inasmuch as that the petitioner is younger in age and more educated than respondent No. 4 (Hans Raj). That apart, the lower revenue officers had recommended the

name of the petitioner and learned Collector had appointed him as Lambardar (General) of village Chak Khund Wala. Learned Collector's order has been further upheld by learned Divisional Commissioner. It is a well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein.

8. In my considered view, learned Financial Commissioner has wrongly set aside the orders dated 21.05.2015 and 18.05.2017 (Annexure P-4 and Annexure P-5, respectively), passed by learned Collector as well as learned Divisional Commissioner, whereby the petitioner was appointed as Lambardar (General) of village Chak Khund Wala.

9. Resultantly, the instant civil writ petition is allowed and the order dated 05.09.2022 (Annexure P-6), passed by learned Financial Commissioner is set aside. Further, the order dated 21.05.2015 (Annexure P-4), passed by learned Collector, appointing the petitioner (Jattu Ram) as Lambardar (General) of village Chak Khund Wala, Tehsil Jalalabad, District Fazilka, is maintained.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

13.02.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No