

**IN THE COURT OF SH. D. P. REDDY, I.A.S.,
FINANCIAL COMMISSIONER, PUNJAB, CHANDIGARH
ROR 201 of 2017**

Date of Institution: 9.3.2017

Date of Decision: 18.12.2017

Balbir Singh aged about 57 years son of Late Ranjit Singh son of Mihan Singh,
resident of Village Gadapur, Tehsil Rajpura and District Patiala.

...Petitioner

Versus

1. Bhupinder Singh son of Hajur Singh, resident of Village Gadapur, Tehsil Rajpura and District Patiala.
2. Harjodh Singh son of Balbir Singh, resident of Village Gadapur, Tehsil Rajpura and District Patiala.

...Respondents

Present: Sh. S.S. Sarwara, Advocate, counsel for the petitioner.

Sh. Labh Singh Bhangu, counsel for the respondent.

ORDER

The instant revision petition has been filed under section 16 of the Punjab Land Revenue Act, 1887 against the orders dated 29.11.2016 and 11.8.2015 passed by Divisional Commissioner, Patiala and District Collector, Patiala respectively, in the Lambardari case.

2. Brief facts of the case are that the post of Scheduled Caste Lambardar of Village Gadapur, Tehsil Rajpura District Patiala fell vacant after the death of earlier Lambardar Ranjit Singh. Process was started to fill up this vacancy. After completing the necessary formalities, proclamation was made in the village for inviting the applications. In response to this proclamation, three candidates including present petitioner and respondent submitted their applications. After recording the evidence of the candidates and hearing them Assistant Collector 2nd Grade (Naib Tehsildar), Ghanur, forwarded the case to Assistant Collector 1st Grade (SDM), Rajpura, who also recommended the name of present respondent number 1 Bhupinder Singh and forwarded the case to District Collector, Patiala for appointing a suitable candidate as Lambardar. The District Collector, Patiala after considering the merits and demerits of the candidates appointed the present respondent no. 1 Bhupinder Singh as the Scheduled Caste Lambardar of village Gadapur vide order dated 11.8.2015. Aggrieved by this order, present petitioner Balbir Singh preferred an appeal

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before the Divisional Commissioner, Patiala, who vide order dated 29.11.2016 dismissed the same. Hence, the present revision petition.

3. The learned counsel for the petitioner was heard. He pleaded that the learned District Collector, Patiala has wrongly appointed respondent as lambardar without going into the merits of the case and passed a non speaking order. Petitioner is very experienced person and exercises very good influence in the village as 162 persons of the village has submitted a majornama in his favour and 21 respectable persons of the village have deposed in his favour. The petitioner has served in Indian Navy for 18 years and after retirement his services were taken by the Department of Defence, Government of India and he was appointed as clerk. The petitioner has hereditary claim as his father and grandfather were lambardars of the village and the petitioner is well conversant with the duties of lambardar. The petitioner is more experienced, more educated and younger than the respondent. The counsel further submitted that the learned Divisional Commissioner has not appreciated the record and settled law and has wrongly rejected the appeal of the petitioner. The counsel prayed that the revision petition may be accepted and the impugned orders dated 29.11.2016 and 11.8.2015 passed by Divisional Commissioner, Patiala and District Collector, Patiala respectively, be set aside and the petitioner be appointed as lambardar.

4. I have given a deep and thoughtful consideration to the copies of the orders of the lower courts placed on record and have also considered the arguments advanced by the learned counsel for the petitioner. The perusal of the order dated 29.11.2016 passed by the learned Commissioner shows that the same arguments have been advanced by the petitioner before him which have been submitted before this court. The learned Commissioner has already considered these arguments and has passed a well reasoned order. The petitioner has not brought any new fact for consideration of this court. The petitioner is not living in the village and he will not be available to the people of the village which is the major disqualification. On the other hand the respondent is residing in the village. Upon consideration of the well reasoned order of learned Collector and Commissioner, Patiala Division are as per law and no illegality has been committed by these lower courts. It is a settled law that choice of the Collector in the matter of appointment of Lambardar should not be interfered until and unless there is grave illegality, perversity or some patent error in the order of the Collector, particularly when choice of the Collector has been upheld in appeal by the Commissioner. The Financial Commissioner in exercise of his revisional jurisdiction should not interfere in the choice of the Collector on the ground that in his opinion, the other candidate is more meritorious. He is not



supposed to compare the merits and demerits of the candidates. The only scope of interference is in a case, where there is grave illegality or perversity in the order of the Collector appointing Lambardar or where a person, who is ineligible for such appointment, has been appointed as such. In the instant case, the District Collector, Patiala has passed a well reasoned order dated 11.8.2015 regarding appointment of respondent as lambardar. I do not see any error in the well reasoned impugned order dated 29.11.2016 of learned Divisional Commissioner, Patiala and therefore, this revision petition is dismissed *in limine*.

Announced.

Chandigarh, dated
The 18th December, 2017


(Deva Pampapathi Reddy)
Financial Commissioner, Punjab.