

Om Parkash Vs Financial Commissioner and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 11, 2008

Acts Referred: Constitution of India, 1950 " Article 226, 227

Citation: (2009) 153 PLR 5 : (2009) 3 RCR(Civil) 690

Hon'ble Judges: Satish Kumar Mittal, J; Daya Chaudhary, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Daya Chaudhary, J.

The present writ petition has been filed under Article 226/227 of the Constitution of India for quashing of order dated

5.4.2002 (Annexure P-I) passed by the Collector, Jhajjar, order dated 11.12.2002 (Annexure P-2) passed by the Commissioner, Rohtak

Division, Rohtak and order dated 25.5.2004 (Annexure P-3) passed by the Financial Commissioner, Haryana.

2. Briefly, the facts of the case are that on the death of Man Singh, Lambardar of Village Lumbaheri, Tehsil and District Jhajjar proceedings for

filing up the vacancy of Lambardar were initiated and applications were invited. In response thereto, the petitioner as well as Rajbir Singh-

respondent No. 2 applied for the same. The Collector after considering the respective merits of both the candidates appointed Rajbir Singh-

respondent No. 2 as Lambardar of the village being more meritorious viz-a-viz the petitioner vide order dated 5.4.2002. The petitioner being

aggrieved by the order of the Collector filed an appeal before the Commissioner which was dismissed vide order dated 11.12.2002. The revision

petition filed against the order of the Commissioner was also dismissed by the Financial Commissioner vide order dated 25.5.2004. Being

aggrieved with the orders passed by the authorities below, the present writ petition has been filed.

Learned Counsel for the petitioner has argued that the petitioner being more meritorious than respondent No. 2 has not been considered by the

authorities below. It has also been argued by the counsel for the petitioner that the Collector has recorded in his order that both the candidates are

equally meritorious, despite that the petitioner has been ignored and respondent No. 2 as been appointed as Lambardar of the village.

3. After hearing the arguments of learned Counsel for the petitioner and going through the orders passed by authorities below, we are of the view

that the Collector has passed a detailed speaking order, wherein, merits of both the candidates have been discussed and respondent No. 2 has

been appointed as Lambardar of the village. The order of the Collector has been affirmed by the Commissioner as well as by the Financial

Commissioner. Moreover, learned Counsel for the petitioner has not been able to point out that the choice of the Collector is perverse in any

manner or is violative of any rules. It has also been held by this Court in Jog Dhian Vs. Financial Commissioner and Others, that the choice of the

Collector must be regarded and considered as final unless the same is against the rules or is perverse.

4. In view of the observations made above, the present writ petition being devoid of any merit is hereby dismissed. No order as to costs.

Sd/- Satish Kumar Mittal, J.