

**(2011) 08 P&H CK 0198**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** LPA No. 1468 of 2011 (O and M)

Santokh Singh

APPELLANT

Vs

Bachhitter Singh and others

RESPONDENT

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**Date of Decision:** Aug. 18, 2011

**Hon'ble Judges:** Jasbir Singh, J; Augustine George Masih, J

**Bench:** Division Bench

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### **Judgement**

Jasbir Singh, J.

Dispute in this appeal pertains to an appointment of Lamberdar of village Jethu Majra, Tehsil Nawan Shahar, District Shaheed Bhagat Singh Nagar.

2. The vacancy had occurred on account of death of Shri Jaswant Singh. Appellant and respondent No.1 were the contesting candidates along with the others. The Collector after getting report from the lower revenue staff, appointed the appellant as Lamberdar vide order dated 20.11.2007. Respondent No.1 went in appeal, which was allowed by the Commissioner vide order dated 28.4.2009. When declining relief to the appellant, it was observed as under:

I have given my thoughtful consideration to the arguments advanced by the counsel for the parties and have also minutely examined the record. The appellant is better educated and economically better placed owning of gas agency and the finance company cannot be held a bar to the appointment of Lamberdar. It is obvious that the appellant has employed sufficient supporting staff to look after the business of gas agency and the finance company. Moreover, one cannot be presumed to be out of job/work. The respondent is admittedly the president of the Gurdawara and takes interest in tie activities relating to the management etc.of the said Gurdawara. He is sufficiently proved to be taking active part in the political activities as evidently proved from the cutting of the newspapers produced on the file. Therefore, the respondent cannot be said to be better side on the point of devoting time to the Lamberdari duties. The name of the appellant was recommended by the Naib Tehsildar, Nawan Shahar and the Tehsildar, Nawan Shahar. The respondent was not

recommended by any Revenue Officer. Although recommendations of lower Revenue Offices are not binding on the District Collector but such recommendations do play an important role in the selection of most suitable candidate for Lamberdar. The District Collector has not assigned sufficient and adequate reasons for differing with these recommendations. Keeping in view over all merits of both these candidates, I find the appellant far better a choice for appointment as Lamberdar of the village. Consequently, I accept the appeal, set aside the order of the District Collector, Nawanshahar, and appoint the appellant/Shri Bachittar Singh son of Shri Gurmail Singh, as Lambardar of village Jethu Majra, Tehsil and District Nawan Shahar.

3. It was noted against the appellant that he belongs to a political party and further that respondent No.1 was a better candidate on merits, as compared to him. The respondent No.1 is better educated and economically very sound, owns a Gas Agency and a Finance Company. The appellant went in appeal before the Financial Commissioner, which was dismissed vide order dated 13.1.2011. The appellant thereafter came to this Court by filing CWP No.5138 of 2011, which was dismissed by the learned Single Judge on 22.3.2011, hence this appeal.

4. Counsel for the appellant has made an attempt to assail the orders passed by the revenue authorities and also that of the learned Single Judge by stating that respondent No.1 belongs to Patti Chahal, whereas post of Lamberdar in question belongs to Patti Bassi. The learned Single Judge has noted that this point was raised at a belated stage and there was nothing on record to show, even before us, that the contention raised is correct.

5. No case is made out for interference.

6. Dismissed.