

(2001) 05 P&H CK 0205

High Court Of Punjab And Haryana At Chandigarh**Case No:** Civil Writ Petition No. 386 of 2001

Iqbal Singh

APPELLANT

Vs

Financial Commissioner
(Appeals-1), Punjab and othersRESPONDENT

Date of Decision: May 10, 2001**Hon'ble Judges:** N.K. Sud, J; Jawahar Lal Gupta, J**Bench:** Division Bench**Advocate:** K.S. Cheema, for the Appellant;**Final Decision:** Dismissed

Judgement

Jawahar Lal Gupta, J.

The Petitioner, Respondent No. 4 and one Pirtha Singh were contenders for the office of the Village Headman. Vide order dated December 2, 1994. a copy of which has been produced as Annexure P-4 with the writ petition, the Collector had selected the Petitioner. This order was challenged by Respondent No. 4 before the Commissioner. The appeal was accepted. The case was remanded to the Collector for a fresh decision. Vide order dated January 21, 1997 the Collector selected Respondent No 4. Dissatisfied with order of the Collector, the Petitioner filed an appeal before the Commissioner which was dismissed vide order dated April 24, 1998. A copy of this order has been produced as Annexure P-2 with the writ petition. Not satisfied with the order of the Commissioner, the Petitioner filed a revision petition before "The Financial Commissioner which was dismissed on May 10, 2000. A copy of this order is at Annexure P-1 with the writ petition. The Petitioner alleges that the action of the Respondents in selecting and appointing the 4th Respondent is illegal inasmuch as he was under debt. He further alleges that the Petitioner is more popular than the Respondent. On these premises, the Petitioner prays that the orders, copies of which have been produced as Annexures P-1 to P-4, be quashed.

2. We have heard Mr. Cheema. Learned Counsel for the Petitioner. He has contended that the 4th Respondent was under debt. The Petitioner had got a decree dated May 22, 1991 against him for an amount of Rs. 3,862/-. Thus, the Respondent should not have been appointed. He further contends that the Petitioner was more popular as 34 persons from the village had supported his candidature.

3. As for the first contention, it is not disputed that an ex parte decree had been passed against the 4th Respondent for a sum of Rs. 3,862/-. This decree was, however, set aside at a later stage. A categorical finding has been given in this behalf by the Financial Commissioner. It has been observed that the decree "no longer stands against him". The Petitioner has not produced anything on record to controvert this finding. Faced with this situation, Mr. Cheema states that there was another decree against the 4th Respondent for an amount of Rs. 6,000/- in a suit filed by the State Bank of India. The copy of the decree has not been placed on file. Only an extract from the application for execution has been produced. What were the facts of the case? What were the circumstances? What were the pleas of the parties? Nothing is known. Still further, it has not been shown that this decree was ever mentioned before the revenue authorities. Thus, the contention that the 4th Respondent was unsuitable for appointment on account of his being under debt cannot be sustained.

4. Mr. Cheema contends that the Petitioner was more popular as 34 persons from the village had supported his candidature. The office of a Village Headman is not to be filled up by election. The job of making appointment has been entrusted to the authorities under the statutory rules. They have to consider the comparative merits. The Collector, the Commissioner and the Financial Commissioner have unanimously found the 4th Respondent to be more suitable than the Petitioner. The Petitioner's claim was duly considered. In this situation, we find no infirmity in the action of the Respondents which may call for any interference.

5. No other point has been raised.

6. In view of the above, we find no merit in this petition. It is, consequently dismissed in limine.

Sd/- N.K. Sud, J.