

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.109

**CWP-14184-2022 (O&M)
Date of decision : 08.07.2022**

Sukhjeet Kumar

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manuj Nagrath, Advocate, for the petitioner.

Mr. Ishmeet Singh, Advocate, for

Mr. Akshit Aggarwal, Advocate, for respondent No.4-caveator.

SUDHIR MITTAL, J. (Oral)

Vide order dated 18.04.2017, the Collector appointed the petitioner as Lambardar. Appeal filed by the sixth respondent failed, however, the further revision has succeeded. Order of appointment has been set aside and the sixth respondent has been appointed as Lambardar.

A perusal of the order of the Financial Commissioner shows that the reason for setting aside the order of the Collector and the Commissioner is that the Collector has not considered the comparative merits and de-merits of the parties and thus, the order is perverse.

Learned counsel for the petitioner has submitted that there is no perversity in the order of the Collector and thus, the Financial Commissioner was in error in interfering therewith. The reports of the lower revenue officials were on record, whereby, the name of the petitioner has been recommended and thus, it is incorrect to say that comparative merits of the parties have not been considered. It is further submitted that at best, the matter could have been remanded for a fresh decision. Respondent No.6 could not have been appointed as Lambardar.

A perusal of the order of the Collector shows that as a matter of fact, he has not considered the comparative merits and de-merits of the parties and thus, the order is perverse. The Financial Commissioner was justified in interfering with the same, however, he has committed an error by appointing respondent No.6 as the Lambardar. In exercise of revisional jurisdiction, the Financial Commissioner does not have the right to evaluate the comparative merits of the parties.

In view of the above, the writ petition is partly allowed. Impugned order dated 28.04.2022 is modified and it is directed that the matter be remanded to the Collector for a fresh consideration, in accordance with law.

(SUDHIR MITTAL)
JUDGE

08.07.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No