
(2000) 08 P&H CK 0208
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3138 of 2000

Bhag Singh

APPELLANT

Vs

Financial Commissioner (Revenue), Haryana

RESPONDENT

Date of Decision : 26-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 RCR(Civil) 9

Hon'ble Judges : K.S. Garewal, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Mr. Surinder K. Garg Narwana, for the Appellant;

Judgement

Jawahar Lal Gupta, J.—The petitioner as well as respondent Nos. 5 and 6 were contenders for the office of village Headman. The Collector selected respondent No. 5. A copy of the order dated March 17, 1998, passed by the Collector, has been produced as Annexure P2 with the writ petition. Aggrieved by the order, the petitioner filed an appeal. It was dismissed by the Commissioner vide order dated November 10, 1998. The petitioner filed a revision petition. It was dismissed by the Financial Commissioner on September 1, 1999. Aggrieved by the three orders, copies of which have been produced as Annexure P2 to P4, the petitioner has approached this Court through the present writ petition.

2. Mr. Garg, learned counsel for the petitioner, has contended that the Financial Commissioner had dismissed the revision petition without any application of mind. In fact, the petitioner was fully eligible. He was better qualified. Yet, he has been overlooked on the extraneous consideration that the father of respondent No. 5 was also the Village Headman. Thus, the counsel prays that the impugned orders should be annulled.

3. The petitioner on his own showing has studied upto the Primary Class. His claim was duly considered by the Collector. Having found that the petitioner and respondent No. 5 were virtually equally placed, the Collector had leaned in favour

of the fifth respondent on the ground that his father was the Village Headman. This view has been affirmed by the Commissioner as well as the Financial Commissioner. In doing so, they have committed no violation of any rule or illegality, so as to call for any interference under Article 226 of the Constitution of India.

4. Mr. Garg contends that the office is not hereditary. Thus, the authorities have erred in taking into consideration the fact that the father of respondent No. 5 was the Village Headman.

5. It is true that the office of Lambardar is not a hereditary office. The son of Lambardar shall not be automatically appointed, to the office. However, a perusal of Rule 15 of the Punjab Land Revenue Rules shows that amongst various matters, which can be taken into consideration by the competent authority, the hereditary claim is also one of the considerations. Since the petitioner and the fifth respondent were equally placed, the Authority chose to lean in favour of the respondent, on the basis of a consideration which was permitted by Rule 15 of the aforesaid rules. In doing so, it did not act illegally or unfairly.

No other point has been raised.

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

6. Petition dismissed.