

2025:PHHC:015050



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

CWP-2492-2025

Date of Decision: 30.01.2025

Baljinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Shubham Gupta, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petitioner (Baljinder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 16.02.2021 (Annexure P-1) passed by the learned District Collector, Bathinda; order dated 07.04.2022 (Annexure P-3) passed by the learned Commissioner, Faridkot Division, Faridkot and order dated 25.08.2022 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of demise of Sh. Ajaib Singh, previous Lambardar (General Category) of Village Bangi Deepa Singh, Tehsil Talwandi Sabo, District Bathinda; proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, ten applications (including the one

submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Assistant Collector, Grade-II, Talwandi Sabo as well as learned Sub Divisional Magistrate, Talwandi Sabo recommended the name of respondent No.4 for appointment to the post of Lambardar.

2.2 It transpires that the petitioner did not appear before the learned District Collector, Bathinda.

2.3 Learned Collector, Bathinda, after considering the relative merits and demerits of the candidates, appointed respondent No.4 (Narbinder Singh @ Narvinder Singh) as Lambardar of Village Bangi Deepa Singh, vide order dated 16.02.2021 (Annexure P-1).

2.4 Feeling aggrieved against the aforesaid order dated 16.02.2021 (Annexure P-1), petitioner and another candidate, namely Kuldeep Singh, preferred two separate appeals before the learned Divisional Commissioner, Faridkot; however, both the appeals were dismissed vide common order dated 07.04.2022 (Annexure P-3).

2.5 Being dissatisfied against the aforesaid order dated 07.04.2022 (Annexure P-3), petitioner filed a revision petition (ROR No.340 of 2022) before the learned Financial Commissioner (Appeals), Punjab, which also came to be dismissed vide order dated 25.08.2022 (Annexure P-5).

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. The only submission raised by learned counsel for the petitioner is that respondent No.4 has been appointed as Lambardar of Village Bangi Deepa Singh, while considering his hereditary claim alone, whereas hereditary claim has been held to be ultra vires the Constitution by a

Division Bench of this Court in “*Karnail Singh v. The State of Haryana etc.*”, 1973 PLJ 676’.

5.1 I have considered the aforesaid submission, however, upon perusal of Collector’s order dated 16.02.2021 (Annexure P-1), it is evident that hereditary claim is not the only consideration on which respondent No.4 has been appointed as Lambardar of Village Bangi Deepa Singh. Rather, the learned Collector, while noticing the merits/demerits of the candidates, observed that respondent No.4 is 30 years of age, has studied up to 8th standard, owns 18 Kanal of land, is a grandson of deceased Lambardar and his name has been recommended by the lower revenue officers.

6. Learned counsel for the petitioner has not been able to point out any illegality or perversity in order dated 16.02.2021 (Annexure P-1) passed by the learned District Collector, Bathinda; which was further affirmed by the learned Divisional Commissioner, Faridkot and the learned Financial Commissioner (Appeals), Punjab, vide orders dated 07.04.2022 (Annexure P-3) and 25.08.2022 (Annexure P-5), respectively.

7. All the revenue authorities, i.e. the Collector, the Divisional Commissioner and the Financial Commissioner, have taken a concurrent view in favour of respondent No.4.

8. In the case of “*Kuldip Singh Versus Financial Commissioner, Appeals-II, Punjab*”, 2016(1) RCR (Civil) 273; it was held by the Division Bench of this Court that in the matter of appointment of Lambardar, the choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein. It is also well established that it is the Collector, who, not only appreciates the antecedents of all the candidates in the fray but also personally interacts with them, therefore, the subjective satisfaction of the Collector, which has been

further upheld by the Appellate as well as the Revisional Authorities below, requires to be respected.

9. That apart, the petitioner never appeared before the learned District Collector, Bathinda and even the instant writ petition has also been filed by the petitioner after a gap of more than two years from the date of order dated 25.08.2022 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab, whereby revision petition filed by the petitioner was dismissed.

10. Upon considering the totality of circumstances and in the light of law settled, I do not find any perversity in the impugned order(s). Accordingly, finding no merit in the present writ petition, the same is dismissed.

11. All pending application(s), if any, shall also stand closed.

30.01.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No