



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

LPA No. 1093 of 2025 (O&M)

Date of Decision:01.07.2025.

Hans Raj

.....Appellant

Versus

Jattu Ram and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. C.M.Munjhal, Advocate
for appellant.

Mr. R.K.Girdhar, Advocate
for respondent No.1.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 13.02.2025 passed by learned Single Bench, whereby CWP No. 27662 of 2022 filed by respondent No.1-Jattu Ram has been allowed.

2. Brief facts necessary for adjudication of the matter are that respondent No.1 filed CWP No. 27662 of 2022 for setting aside order dated 05.09.2022 passed by Financial Commissioner (Appeals), Punjab, whereby orders dated 21.05.2015 and 18.05.2017 passed by Collector and Divisional Commissioner respectively were set aside. Upon demise of Ram Chand i.e., previous Lambardar of village Chak Khund Wala, Tehsil Jalalabad, District Fazilka, proceedings were initiated for filling up said vacancy. Sixteen (16) applications including applications submitted by present appellant and respondent No.1 were received. Twelve (12) of the candidates withdrew their applications in favour of respondent No.1-Jattu Ram. Candidature of

respondent No.1-Jattu Ram was recommended by Tehsildar Jalalabad as well as Sub Divisional Magistrate, Jalalabad. Collector vide order dated 21.05.2015 appointed respondent No.1 as Lambardar of village Chak Khund Wala finding him to be more meritorious. Appeal filed by present appellant was dismissed by Commissioner, Ferozepur Division vide order dated 18.05.2017. However, revision petition filed by present appellant was allowed by Financial Commissioner vide order dated 05.09.2022, whereby orders dated 21.05.2015 and 18.05.2017 were set aside and present appellant was appointed as Lambardar of village Chak Khund Wala.

3. Aggrieved therefrom, respondent No.1 filed abovementioned writ petition, which was allowed vide impugned order dated 13.02.2025. Learned Single Bench considered the comparative merits of both the candidates concluded that Financial Commissioner had erred in setting aside orders dated 21.05.2015 and 18.05.2017, merely on the ground that a criminal case had been filed against the petitioner although he stood acquitted therein.

4. Aggrieved therefrom, present appeal has been filed.

5. Learned counsel for appellant vehemently argues that learned Single Bench has erred on facts and in law while allowing CWP No. 27662 of 2022 filed by respondent No.1. It is submitted that Financial Commissioner has correctly observed that even though the person may have been acquitted in a criminal case but the stigma does indeed remain. This aspect has been ignored by learned Single Bench. It is thus prayed that impugned order dated 13.02.2025 as well as orders dated 21.05.2015 and 18.05.2017 be set aside while upholding order dated 05.09.2022 passed by Financial Commissioner.

6. Learned counsel for respondent No.1 has opposed the appeal while submitting the impugned order has been correctly passed. It is thus prayed that present appeal be dismissed.

7. We have heard learned counsel for the parties and have gone through the file with their able assistance.

8. Comparative merit of both the appellant and respondent No.1 as tabulated by learned Single Bench is reproduced as under:-

Particulars	Petitioner (Jattu Ram)	Respondent No.4 (Hans Raj)
Age	42	52
Educational Qualification	Middle Class Pass	5 th Class pass
Landholding	25 acres	16 acres
Recommended by	Tehsildar, Jalalabad and Sub Divisional Magistrate, Jalalabad	----
Remans	Son of previous Lambardar	----

9. Admittedly, the Collector found respondent No.1 to be a more meritorious candidate. His name was duly recommended by the Revenue Officials. Allegation regarding involvement of respondent No.1 in the criminal case was duly considered and it was observed that Jattu Ram had been acquitted in the said matter. This order was duly upheld by the Commissioner but set aside by Financial Commissioner merely on the premise that respondent-Jattu Ram was involved in a criminal case under Section 323, 324 IPC.

10. It is to be noted at this stage that respondent No.1-Jattu Ram was involved in a private criminal complaint filed against him under Sections 323, 325 IPC. He was admittedly acquitted in the matter in the year 2002. He is not reported to be involved in any other criminal matter. In this factual matrix, it has been correctly held by learned Single Bench that mere

filing of criminal complaint against a candidate cannot disentitle him for consideration to appoint to the post of Lambardar. Respondent No.1-Jattu Ram was duly acquitted in the said criminal complaint and the same cannot be treated to be a roadblock in his appointment to the post of Lambardar. It is relevant to note that present is not such a criminal matter which would lead to respect of respondent No.1 being denuded in the eyes of the villagers. He has not been involved in any other criminal matter since 2002. He was duly recommended by all the Revenue Officials and was found to be the most meritorious candidate by the Collector. It is a settled position that choice of Collector in respect to appointment to the post of Lambardar is paramount and should not normally be interfered with until and unless the same is riddled with perversity or illegality. We find no such illegality, infirmity or perversity in order dated 21.05.2015 passed by the Collector.

11. Learned counsel for appellant is unable to point out any ground which calls for setting aside order dated 13.02.2025 passed by learned Single Bench.

12. No other argument has been addressed.

13. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit with no order as to cost.

Pending application (s), if any, stand (s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 01, 2025.

s.khan

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