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

**CWP-27589-2025 (O&M)
Date of Decision: 16.09.2025**

Mandeep Singh

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Surjit Singh Swaich, Advocate,
Ms. Deepa Negi, Advocate and
Ms. Ishani Goyal, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for setting aside order dated 03.08.2022 (Annexure P-7) passed by learned Collector, Fatehgarh Sahib, whereby respondent No.4- Tek Singh was appointed as the *lambardar* of Village Gadhera, Tehsil Bassi Pathana, District Fatehgarh Sahib.

1.1 A further prayer has been made for setting aside order dated 02.08.2023 (Annexure P-8) passed by the learned Commissioner, Patiala Division, Patiala and order dated 19.12.2024 (Annexure P-10) passed by the learned Financial Commissioner (Appeals), Punjab whereby an appeal and revision petition filed by the petitioner have been dismissed, respectively.

2. Briefly, on demise of Sh. Gulzar Singh, previous *lambardar*



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(General Category) of Village Gadhera, Tehsil Bassi Pathana, District Fatehgarh Sahib, the proceedings were initiated for filling up the vacancy, wherein the petitioner- Mandeep Singh and respondent No.4- Tek Singh were also the candidates.

2.1 The learned Assistant Collector Grade-I, Bassi Pathana recommended the candidature of respondent No.4- Tek Singh for appointment to the aforesaid vacancy and placed the matter before the learned Collector, Fatehgarh Sahib, who upon consideration of the matter, found respondent No.4- Tek Singh as the suitable candidate and accordingly, vide order dated 03.08.2022 (Annexure P-7) appointed him as the *lambardar* of Village Gadhera.

2.2 An appeal and revision filed by the petitioner against the Collector's order were dismissed by the learned Commissioner, Patiala Division, Patiala and learned Financial Commissioner (Appeals), Punjab vide order dated 02.08.2023 (Annexure P-8) and order dated 19.12.2024 (Annexure P-10), respectively.

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioner submits that the revenue authorities below have erred in law and fact in passing the impugned orders. It is submitted that the petitioner has been non-suited primarily on the report of the Assistant Collector stating that the petitioner has misused the panchayat property by placing the roof of his house on the wall of the Panchayat *Ghar* and his own wall and that the petitioner had closed the windows of the Panchayat *Ghar* which were opening towards the side of his house and therefore, the petitioner has misused the Government property.



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4.1 It is submitted that there is no basis in the said report and even otherwise, the petitioner is having better merits than respondent No.4- Tek Singh. It is also contented that respondent No.4- Tek Singh was involved in a case FIR No.15 dated 16.12.1990, although he was acquitted vide judgment dated 12.06.1995 (Annexure P-13) passed by the learned Judicial Magistrate Ist Class, Rupnagar, therefore he is not a fit candidate for appointment to the post of *lambardar*.

4.2 With the aforesaid submissions, prayer has been made for setting aside the impugned orders and appointing the petitioner as the *lambardar*.

5. I have heard learned counsel for the petitioner and perused the paper book with his able assistance.

6. At the outset, it would be apposite to refer to the comparative merits of the candidates as noticed by the learned Collector, which are as under:-

	<i>Mandeep Singh (Petitioner)</i>	<i>Tek Singh (Respondent No.4)</i>
<i>Qualification</i>	<i>12th passed</i>	<i>10th passed</i>
<i>Age</i>	<i>42 years</i>	<i>52 years</i>
<i>Property</i>	<i>8 Kanals (approximately)</i>	<i>28 Kanals-3 Marlas</i>

6.1 A perusal of the aforesaid comparison would show that respondent No.4- Tek Singh is a mature man of about 52 years of age and has studied up to 10th Class and has sufficient land holding. Although, petitioner is younger in age and more educated than respondent No.4, but respondent No.4 is not ineligible for appointment to the post of *lambardar*.

6.2 No doubt, the age of a candidate is a relevant factor for appointment to the post of *lambardar*, however, the age of a person is to be



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considered in the context of his physical ability and capacity to discharge his duties as a headman of the village. No such plea has been raised that the respondent No.4 is incapacitated from discharging the functions of a *lambardar*, in view of his old age. There is nothing on record suggestive of the fact that any complaint was made against respondent No.4 that he is not able to render his services properly owing to his old age. In this scenario, rejecting the claim of respondent No.4 on the sole ground of his age, may amount to injustice to him.

6.3 The other grievance of the petitioner is that his higher educational qualification (being 10+2) has not been given weightage by the courts below. I have considered the aforesaid plea and suffice it to say that no doubt petitioner is more educated than the respondent No.4, who is 10th pass, however merely a candidate being more educated *per se* does not necessarily mean that he would make a good *lambardar* nor any minimum educational qualifications is prescribed under the Land Revenue Rules. In ***Nirbhey Singh v. Financial Commissioner, Haryana, 2007(4) RCR (Civil) 594***; a Division Bench of this Court observed as under:-

“...It is worth-mentioning that the "Lambardari Rules" do not prescribe for any minimum educational qualifications for appointment of a Lambardar. Even illiterate persons can be appointed as Lambardar in the given circumstances of different cases. Moreover, the Collector while comparing the merits and qualifications of the rival candidates, found the petitioner as more suitable and acceptable and therefore, the choice of the Collector in selecting the petitioner for the post of Lambardar, has to be respected...”

7. As regards the contention of the petitioner that respondent No.4- Tek Singh was involved in a criminal case, therefore he is not a fit candidate for appointment as the *lambardar*, it is observed that the said FIR



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pertains to the year 1990 i.e. almost 30 years prior to the date when the vacancy arose for the post of *lambardar*. Further, although respondent No.4 was arrayed as an accused in case FIR No.15 dated 16.12.1990, however he was acquitted in the said case vide judgment dated 12.06.1995 (Annexure P-13) passed by the learned Judicial Magistrate Ist Class, Rupnagar.

7.1 In my considered view, if a person has erred in the past or has deviated from the path of rectitude, it cannot be presumed that he has not turned over a new leaf unless there are cogent reasons for doing so. In the absence of any material to show a continuing tendency for misconduct or crime on the part of respondent No.4-Tek Singh; it would be more apposite to assume that with greater maturity, a person may have overcome his earlier weaknesses.

7.2 That apart, the plea as regards involvement of respondent No.4 in a criminal case was duly raised before the learned Commissioner as well learned Financial Commissioner; yet the said plea has not influenced their opinion to uphold the appointment of respondent No.4 as the *lambardar*.

7.3 In a process of selection, perceptions as to the comparative merits and suitability of a candidate, would vary from person to person and, therefore, from Court to Court.

8. So far as the observation made by the Collector that the petitioner has misused the Government property is concerned; in my view, even if the said observation is ignored, even then, if the Collector's choice has been affirmed by learned Commissioner as well as by learned Financial Commissioner, there would be hardly any scope for taking any other view in the matter. It is well settled that in the matter of appointment of *lambardar*, the choice of Collector is not to be lightly interfered with even if two views are possible. Recently, the Hon'ble Division Bench of this Court in LPA No.



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2217 of 2024 titled as “*Murti Devi Vs. State of Haryana & Ors.*”, decided on 09.07.2025 has observed as under:

*“8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in **Neeraj Kumar Vs. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325**”.*

9. Considering the totality of circumstances, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

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

16.09.2025

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No