

2025:PHHC:042200



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

CWP-8680-2025

Date of Decision:27.03.2025

Gurmeet Singh

..... Petitioner

Versus

Parkash Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Dinesh Nagar, Advocate and
Ms. Vibha Nagar, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of Certiorari for setting aside the order dated 07.11.2024 (Annexure P-3) passed by the learned Financial Commissioner, Punjab.

1.1. A further prayer has been made for upholding the order dated 25.03.2022 (Annexure P-2) passed by learned Commissioner, Rupnagar Division, Rupnagar, whereby the petitioner-Gurmeet Singh was appointed as the Lambardar (S.C.) of Village Chak Kalal, Tehsil Banga, District SBS Nagar.

2. Briefly, on account of demise of Sh. Hari Singh, previous Lambardar (S.C.) of Village Chak Kalal, Tehsil Banga, District SBS Nagar;

proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, six applications (including the one submitted by the petitioner and another by respondent No.1-Parkash Ram) were received.

2.1. Learned Tehsildar, Banga recommended the candidature of present petitioner for appointment to the aforesaid vacancy, however, Sub Divisional Magistrate (SDM), Banga disagreed with the Tehsildar's recommendation and instead recommended the candidature of respondent No.1-Parkash Ram for appointment to the aforesaid vacancy of Lambardar and thereafter the matter was placed before learned Deputy Commissioner-cum-District Collector, SBS Nagar.

2.2. Learned Deputy Commissioner-cum-District Collector, SBS Nagar vide order dated 01.09.2021 (Annexure P-1) appointed respondent No.1-Parkash Ram as the Lambardar (S.C.) of Village Chak Kalal, Tehsil Banga, District SBS Nagar.

2.2. Feeling aggrieved against the order dated 01.09.2021 (Annexure P-1) passed by learned Deputy Commissioner-cum-District Collector, SBS Nagar, petitioner preferred an appeal before the learned Divisional Commissioner, Rupnagar, which came to be allowed vide order dated 25.03.2022 (Annexure P-2), whereby order dated 01.09.2021 (Annexure P-1) passed by learned Deputy Commissioner-cum-District Collector, SBS Nagar was set aside and the petitioner was appointed as the Lambardar (S.C.) of Village Chak Kalal, Tehsil Banga, District SBS Nagar.

2.3. Being dissatisfied with the aforesaid order, respondent No.1-Parkash Ram preferred an appeal (ROA-29-2022) before the learned Financial Commissioner, Punjab, which came to be allowed vide order dated 07.11.2024 (Annexure P-3), whereby the order dated 25.03.2022

(Annexure P-2) passed by learned Divisional Commissioner, Rupnagar was set aside and the matter has been remanded to the learned Divisional Commissioner, Rupnagar, for fresh decision.

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

4. Learned counsel for the petitioner submits that the learned Financial Commissioner, Punjab has erred in law and fact in passing the impugned order, whereby he has wrongly set aside the well reasoned order passed by learned Divisional Commissioner and has further remanded the matter to the learned Divisional Commissioner, Rupnagar for fresh consideration. It is submitted that petitioner is more meritorious than the respondent No.1-Parkash Ram inasmuch as that he is younger in age and more educated than the respondent No.1. It is submitted that the petitioner is the son of the deceased Lambardar and even the Tehsildar, Banga had recommended his name. However, all the aforesaid facts have been ignored by the learned Financial Commissioner, Punjab, accordingly, it is prayed that the impugned order dated 07.11.2024 (Annexure P-3) passed by learned Financial Commissioner, Punjab be set aside and the order dated 25.03.2022 (Annexure P-2) passed by learned Divisional Commissioner appointing petitioner as the Lambardar be maintained.

5. Heard.

6. Apparently, respondent No.1 was appointed as the Lambardar vide order dated 01.09.2021 (Annexure P-1) passed by learned Deputy Commissioner-cum-District Collector, SBS Nagar, however on appeal, the learned Divisional Commissioner has set aside the Collector's order and appointed petitioner as the Lambardar primarily on three grounds i.e., age,

educational qualification and his experience of assisting his father in Lambardar duties.

6.1. Evidently, learned Financial Commissioner has set aside the Commissioner's order while observing that respondent No.1-Parkash Ram was appointed by the learned Collector and even his name was recommended by the Sub Divisional Magistrate, Banga. It is further observed by the learned Financial Commissioner that respondent No.1-Parkash Ram being a retired Sub Divisional Officer from the Electricity Board possesses the requisite qualifications/experience for the post of Lambardar, whereas the present petitioner was involved in case FIR No.179, although the same was quashed, however, it is a relevant factor for determining the suitability of a candidate for the post of Lambardar.

7. Considering the totality of circumstances, I find no illegality and perversity in the order dated 07.11.2024 (Annexure P-3) passed by learned Financial Commissioner, Punjab, as he has only remanded the matter to the learned Divisional Commissioner, Rupnagar, for considering the matter afresh. The petitioner would be well within his rights to putforth his claim before the learned Divisional Commissioner, Rupnagar, who shall decide the matter after considering all the merits/demerits of the respective candidates, accordingly, finding no merit in the present writ petition, the same is dismissed.

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

27.03.2025
Pd

(HARSH BUNGER)
JUDGE

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