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

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Date of Decision: 31.07.2025

Parvinder Singh

..... Petitioner

Versus

Financial Commissioner, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Charanpal Singh Bagri, Advocate
for the petitioner (through video conferencing).

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Parvinder 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 for setting aside order dated 26.10.2020 (Annexure P-4) passed by the learned Collector, Rupnagar, whereby respondent No.6 (Harpreet Singh) was appointed as Lambardar of Village Bela, Tehsil Sri Chakaur Sahib, District Rupnagar, Punjab.

1.1 A further prayer has been made for setting aside order dated 30.11.2023 (Annexure P-2) passed by the learned Financial Commissioner, Punjab, whereby an appeal preferred by respondent No.6 (Harpreet Singh) against order dated 05.04.2022 (Annexure P-3) passed by the learned Divisional Commissioner, Rupnagar, has been allowed.

1.2 Another prayer has been made for setting aside order dated 14.03.2024 (Annexure P-1) passed by the learned Financial Commissioner,



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Punjab, thereby dismissing the review application filed by the petitioner (Parvinder Singh).

2. Briefly, upon demise of Sh. Bhagat Singh, previous Lambardar of Village Bela, Tehsil Sri Chakaur Sahib, District Rupnagar, Punjab; proceedings for filling up the said vacancy were initiated, whereupon petitioner (Parvinder Singh) and respondent No.6 (Harpreet Singh) applied for the said vacancy.

2.1 The learned Tehsildar, Sri Chamkaur Sahib as well as learned Sub Divisional Magistrate, Sri Chamkaur Sahib recommended the candidature of respondent No.6 (Harpreet Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, Rupnagar.

2.2 The learned Collector, Rupnagar, after considering the relative merits and demerits of the candidates, appointed respondent No.6 (Harpreet Singh) as Lambardar of Village Bela, vide order dated 26.10.2020 (Annexure P-4).

2.3 Feeling aggrieved against the aforesaid order dated 26.10.2020 (Annexure P-4), petitioner (Parvinder Singh) and one Sh. Satnam Singh preferred two separate appeals before the learned Divisional Commissioner, Rupnagar, which came to be decided vide common order dated 05.04.2022 (Annexure P-3), whereby the matter was remanded to the learned Collector, Rupnagar for deciding the matter afresh.

2.4 Being dissatisfied with the aforesaid order dated 05.04.2022 (Annexure P-3), respondent No.6 (Harpreet Singh) preferred a revision petition (ROR No.26 of 2022) before the learned Financial Commissioner, Punjab, which was allowed vide order dated 30.11.2023 (Annexure P-2); thereby setting aside order dated 05.04.2022 (Annexure P-3) and restoring



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the Collector's order dated 26.10.2020 (Annexure P-4).

2.5 Thereafter, the petitioner filed a review application against order dated 30.11.2023 (Annexure P-2) before the learned Financial Commissioner, Punjab, which was dismissed vide order dated 14.03.2024 (Annexure P-1).

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

4. Heard.

5. Here, it would be apposite to state the relative merits of the petitioner and respondent No.6 (as noticed by the learned Collector, Rupnagar), which can be summed up as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Petitioner (Parvinder Singh)</i>	<i>Resp. No.6 (Harpreet Singh)</i>
1	Age	48 years	37 years
2	Educational qualification	B.A. Pass	B.A. Pass
3	Land holding(s)	62 Kanal-13 Marla	43 Kanal-1 Marla
4	Recommended by	—	Tehsildar, Sri Chamkaur Sahib and Sub Divisional Magistrate, Sri Chamkaur Sahib

5.1 A bare perusal of the above chart would reveal that respondent No.6 has a clear edge over the petitioner, inasmuch as he is younger in age and his name was also recommended by the revenue authorities below for appointment to the post of Lambardar.

5.2 In "*Mahavir Singh v. Khiali Ram and others*", 2009(1) RCR (Civil) 757, it was held by the Hon'ble Supreme Court that in the matter of appointment of Lambardar, age of a candidate is a relevant factor. It is also well established that recommendations of revenue officers have a persuasive value.

6. The learned Collector, Rupnagar, while appreciating the relative



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merits and demerits of all the candidates, found respondent No.6 to be a more suitable candidate. The learned Collector further observed that petitioner (Parvinder Singh) had acted as a *Sarbrah* Lambardar even after the death of his father. However, it is well settled that a *Sarbrah* Lambardar can discharge the duties of a Lambardar only during the lifetime of the original Lambardar.

6.1 Be that as it may, the learned Collector, vide order dated 26.10.2020 (Annexure P-4), appointed respondent No.6 as the Lambardar of Village Bela.

6.2 Upon appeals being filed by the petitioner as well as one Sh. Satnam Singh, the learned Divisional Commissioner, Rupnagar, vide order dated 05.04.2022 (Annexure P-3), remanded the matter to the Collector for a fresh decision, though without setting aside the Collector's order dated 26.10.2020 (Annexure P-4).

7. However, upon a revision petition filed by respondent No.6, the learned Financial Commissioner, Punjab, vide impugned order dated 30.11.2023 (Annexure P-2), set aside the order dated 05.04.2022 (Annexure P-3) passed by the learned Divisional Commissioner, Rupnagar, and restored the Collector's order dated 26.10.2020 (Annexure P-4), whereby respondent No.6 was appointed as the Lambardar of Village Bela.

7.1 The relevant extract of the order dated 30.11.2023 (Annexure P-2) reads as under:-

“5. I have considered the written arguments submitted by both the counsels for the parties and also perused the orders/record on file. On perusal, I find that the order passed by the District Collector, Rupnagar is valid and there is no perversity or illegality in the order nor there any procedural defect. The Commissioner has wrongly remanded the case back to District



*Collector without considering the facts which are already been settled and considered by the Collector in his order. After considering the merits and demerits of the candidates, it seems that the appellant is more meritorious and suitable candidate for the post of lambardar of village Bela, therefore the District Collector Rupnagar appointed him vide order dated 26.10.2020. Further, the District Collector clearly held in his orders that the respondent no.2/Parvinder Singh attested a document after death of his father, being a Sarbrah Lambardar. As such he has not knowledge about lambardari work and its duties. Furthermore, the respondent no.2 claims that he is son of deceased Lambardar and he has a hereditary claim for the post of lambardar. But the hereditary claim for the post of Lambardar cannot be accepted in view of catena of judgments of Hon'ble Punjab and Haryana High Court wherein the hereditary claim has been held to be unconstitutional. Regarding the hereditary claim the Hon'ble High Court had expressed the following view in para 4 of its judgment **Sharif vs. Financial Commissioner, Haryana and others 2014(3) R.C.R. (Civil) 431:-***

*“...A perusal of the rules, after amendment, shows that consideration of ‘hereditary claims’ for initial appointment of Lambardar was done away with as well the consideration of ‘hereditary claims’ even in respect of appointing successor Lambardar, when clause (ii) of Rule 17 was also amended on 29.10.2010. In fact, the rule of primogeniture contained in clause (ii) of Rule 17 was done away with while substituting Clause (ii) on 29.07.2008. Such amendments are, in fact, give effect to a judgment of Division Bench of this Court in **Karnail Singh v. The State of Haryana & others, 1973 PLJ 676**. In the said case, the Bench has held that Rule 15 relates to the first appointment of a headman, whereas Rule 17 relates to appointment of a successor to an office of a headman. Rule of primogeniture contained in Rule 17(ii) was found to be*



discriminatory on the ground of family connection. It was held to be violative of fundamental rights granted by Articles 14, 15 & 16 of the Constitution of India, consequently, Rule 17(ii) was declared to be ultra vires and unconstitutional. Thereafter, the Rules have been amended so as to exclude the reference of hereditary claim in the case of first appointment in terms of Rule 15 or even in respect of appointment of successor contained in Rule 17. Therefore, the hereditary claim could not have been taken into consideration by the Financial Commissioner as on the day he passed the order on 18.10.2011, as Rules 5 & 17 both stood amended before the said date.”

6. *Secondly the appellant Harpreet Singh is younger in age as compares to the respondent no.2/Parvinder Singh and law is well settled that in the appointment of lambardar younger candidate should be preferred. In this regard the Hon’ble Supreme Court held in case **Mahavir Singh Vs. Khaili Ram and others reported as 2009 (1) R.C.R. Civil 757** that for appointment to the post of lambardar age of the candidate is relevant factor and it has been further held that where other things of both the candidates are almost equal, the candidate younger in age is to be appointed/preferred as lambardar of the village. The appellant is continuously working as lambardar after his appointment without any complaint regarding his work and conduct.*

7. *It is a settled law that choice of lambardar is primarily the prerogative and administrative act of the District Collector. His selection is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in his appointment. The scope of interference in the choice of the Collector cannot be extended to re-appreciating of the relative merits of the candidates. It lies within the domain and jurisdiction of the District Collector. A Division Bench of this Hon’ble Punjab and Haryana High Court in a case cited as **Balram Vs. Financial***



***Commissioner (Revenue), Haryana (Punjab and Haryana)
(DB)-2012 (3) LAR 125 held in para 5 as under :-***

“Decision of the Collector in respect of suitability and fitness of a candidate as Lambardar is administrative in nature – it is an established principle that judicial review of such order is confined to an appraisal of the impugned order so as to discern whether is perverse, arbitrary or violates the provisions of any statutory enactment. Thus, till such time the choice of the Collector does not suffer from any of the above disabilities, it shall be deemed to be final.”

8. It is clear in the instant case that the District Collector, being an appointing authority, had rightly appointed the appellant Harpreet Singh as new Lambardar of village Bela, Tehsil Chamkaur Sahib, District Rupnagar after considering inter-se merits of the candidates. Accordingly, in view of the above discussion, the present revision petitioner is accepted. The order dated 05.04.2022 passed by the Commissioner, Rupnagar Division is set aside and the order dated 26.10.2020 passed by the District Collector, Rupnagar is upheld and restored.”

7.2 A perusal of the above extracted order clearly reveals that it is a well reasoned order. Even the review application filed by the petitioner against the aforesaid order dated 30.11.2023 (Annexure P-2) was also dismissed by the learned Financial Commissioner, Punjab, vide order dated 14.03.2024 (Annexure P-1).

8. At this stage, a submission has been raised by learned counsel for the petitioner that the petitioner has a hereditary claim as his father was the previous Lambardar and that the petitioner has also remained as *Sarbrah* Lambardar, therefore, he deserved preference for appointment as Lambardar.

8.1 I have considered the aforesaid submissions made by learned counsel for the petitioner, however, I do not find any merit in the same.



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As regards the claim of petitioner for having preference for acting as *Sarbrah* Lambardar is concerned, suffice it to say that a Division Bench of this Court in “*Ashok Kumar v. State of Haryana*”, 2012 (68) RCR (Civil) 198, has held that giving preference to *Sarbrah* Lambardar in essence amounts to giving preference to hereditary claim. Further, a Division Bench of this Court in “*Karnail Singh v. The State of Haryana etc.*”, 1973 PLJ 676 has held that the hereditary claim is ultra vires the Constitution of India and it offends Article 14 thereof.

9. In my considered view, the learned Divisional Commissioner, Rupnagar had failed to consider and appreciate the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. In this regard, reference can be made to a recent judgment dated 09.07.2025 passed by a Division Bench of this Court in *LPA No.2217 of 2024* titled as “*Murti Devi Vs. State of Haryana & Ors.*”, wherein it has been 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.*”

9.1 I am further of the view that the learned Financial Commissioner, Punjab has rightly set aside order dated 05.04.2022 (Annexure P-3) passed by the learned Divisional Commissioner, Rupnagar



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and restored order dated 26.10.2020 (Annexure P-4) passed by the learned Collector, Rupnagar, whereby respondent No.6 (Harpreet Singh) was appointed as Lambardar of Village Bela.

10. Keeping in view the aforesaid facts and circumstances, I find no merit in the present writ petition and the same is accordingly dismissed.

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

31.07.2025

Apurva

**(HARSH BUNGER)
JUDGE**

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