

140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8436-2025 (O/M)
Date of decision : 26.03.2025

Baljinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Baljinder Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 09.12.2014 (Annexure P-1), passed by learned District Collector, Shaheed Baghat Singh Nagar (in short 'Collector'), order dated 20.11.2017 (Annexure P-3), passed by learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and order dated 25.04.2024 (Annexure P-5), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Mohinder Singh, previous Lambardar (General) of village of Paragpur, Tehsil and District Shaheed Bhagat Singh Nagar, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation of the aforesaid

vacancy, 17 applications, including the application submitted by petitioner, was received.

2.1 The antecedents of the candidates were got verified from the local police, whereupon it was reported that one case FIR no. 232 dated 20.11.2001, under Sections 323, 325, 506, 148, 149 IPC was registered against the petitioner (Baljinder Singh) at Police Station Sadar, Nawanshahr, in which he was acquitted on 18.12.2003. It was further reported that another case FIR No. 211, dated 14.10.2002 under Sections 420, 467, 468, 471, 120-B IPC was registered against the petitioner (Baljinder Singh) at Police Station Nawansharh, wherein he was also acquitted on 01.06.2010.

2.2 The Tehsildar, Nawanshahr recommended the candidature of one Lakhvir Singh for appointment to the aforesaid vacancy and forwarded the matter to Sub Divisional Magistrate, Nawanshahr, who on 06.11.2013 sent the case file to the Tehsildar, Nawanshahr to again consider the matter and send his recommendation. Thereafter, the Tehsildar, Nawanshahr recommended the candidature of the petitioner (Baljinder Singh) and again forwarded the matter to Sub Divisional Magistrate, Nawanshahr.

2.3 It transpires that before the Sub Divisional Magistrate, Nawanshahr, only three candidates, namely, Nirmal Singh, Lakhvir Singh and the petitioner (Baljinder Singh) were left in the fray.

2.4 The Sub Divisional Magistrate, Nawanshahr recommended the candidature of Lakhvir Singh for appointment to the aforesaid vacancy and forwarded the matter to learned Collector.

2.5 The learned Collector, vide order dated 09.12.2014 (Annexure P-1), found none of the above referred three candidates to be

fit for the post of Lambardar and sent the matter back to the Tehsildar, Nawanshahr for carrying out fresh proclamation and for calling upon fresh applications.

2.6 Feeling dis-satisfied with the order passed by learned Collector, all the above referred three candidates filed their separate appeals before learned Divisional Commissioner, however, all the said three appeals came to be dismissed, vide common order dated 20.11.2017 (Annexure P-3), passed by learned Divisional Commissioner by observing as under :-

“ I have considered the arguments of all the parties and perused the record of the case. There is report made by S.D.M. Nawanshahr. There is report made by SDM Nawanshahr that Nirmal Singh is in unauthorized possession of Gram Panchayat Land. There was also report of Tehsildar that Lakhvir Singh has constructed residence in Gram Panchayat Land comprised in Khasra No. 94. It was reported by SDM Nawanshahr that criminal case was registered against Nirmal Singh. Therefore after consideration the reports, Nirmal Singh, Baljinder Singh and Lakhvir Singh were not found suitable by District Collector for appointment as Lambardar. It is well settled law that a person having unauthorized possession of Gram Panchayat land cannot be considered as Lambardar. There is no force in all three appeals and the same are dismissed being devoid of merit.”

2.7 Still aggrieved, petitioner (Baljinder Singh) preferred a revision petition (ROR-150-2018) before learned Financial Commissioner and similarly another revision petition (ROR-230-2018) came to be filed by Nirmal Singh. Both the aforesaid revision petitions came to be dismissed by learned Financial Commissioner, vide common

order dated 25.04.2024 (Annexure P-5). Hence, the instant civil writ petition.

3. Heard.

4. It is not disputed before this Court that presently the petitioner is around 60 years of age. Hon'ble the Supreme Court in the case of *Mahavir Singh Versus Khiali Ram and Others*, 2009(1) RCR (Civil) 757, has held that in the matter of appointment of Lambardar, age is a relevant factor.

4.1 That apart, the appointment of Lambardar is prerogative of learned Collector, who upon consideration of the relative merits and demerits of the candidates before him, chooses the best suitable candidate for the said post in terms of qualification as envisaged under Rule 15 read with Rule 17 of Punjab Land Revenue Rules.

5. In the present case, learned Collector as well as appellate and revisional authorities have found petitioner not to be a suitable candidate primarily on the ground that there were two case FIRs registered against him. Although, the petitioner is stated to have been acquitted in these case FIRs and it may not be a disqualification as such, but certainly registration of criminal cases was a factor which was to be taken into consideration while considering the relative merits of the candidates who were under consideration.

5.1 In my considered view, if the authorities below upon consideration of the matter have chosen to call for fresh applications, so that a person with a cleaner image and better qualification be appointed as Lambardar, no exception can be taken to that. In *Bishan Dass Versus Financial Commissioner etc. 2009 (6) SCT 353*, this Court had observed that in exercise of its supervisory writ jurisdiction under Articles 226

and 227 of Constitution of India, this Court does not sit in appeal over the conclusions reached at by the revenue authorities in the choice of Lambardar.

6. In this view of the matter, I do not find any merit in this writ petition and the same is accordingly dismissed.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

26.03.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No