

2025:PHHC:103625



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

CWP-23074-2025

Date of Decision: 11.08.2025

Surinder Kumar

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 24.12.2024 (Annexure P-5) passed by the learned Collector, Fazilka, whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali, Tehsil and District Fazilka.

1.1 A further prayer has been made for setting aside order dated 24.03.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Ferozepur and order dated 26.05.2025 (Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Harbhajan Lal, previous Lambardar

(General Category) of Village Chak Kheyo Wali, proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, twenty six applications (including the one submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Naib Tehsildar, Arniwala Sheikh Subhan, learned Tehsildar, Fazilka as well as the learned Sub Divisional Magistrate, Fazilka recommended the name of respondent No.4 for appointment to the post of Lambardar and forwarded the matter to the learned Collector, Fazilka.

2.2 The learned Collector, Fazilka, after interacting with all the candidates and considering their relative merits and demerits, found respondent No.4 (Baldev Raj) to be the most suitable candidate and appointed him as Lambardar of Village Chak Kheyo Wali, vide order dated 24.12.2024 (Annexure P-5).

2.3 Feeling aggrieved against the aforesaid order dated 24.12.2024 (Annexure P-5), petitioner (Surinder Kumar) and respondent No.5 (Ravinder Kumar), preferred two separate appeals before the learned Divisional Commissioner, Ferozepur, which came to be decided vide common order dated 24.03.2025 (Annexure P-6), whereby the Collector's order dated 24.12.2024 (Annexure P-5) was set aside and respondent No.5 (Ravinder Kumar) was appointed as the Lambardar of Village Chak Kheyo Wali.

2.4 Being dissatisfied, petitioner (Surinder Kumar) and respondent No.4 (Baldev Raj) preferred two separate revision petitions, bearing ROR No.335 of 2025 and ROA No.15 of 2025, respectively, before the learned Financial Commissioner (Appeals), Punjab, which came to be decided vide common order dated 26.05.2025 (Annexure P-8), whereby

order dated 24.03.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Ferozepur was set aside and the Collector's order dated 24.12.2024 (Annexure P-5) was restored.

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 Collector, Fazilka has erred in law and fact in passing the order dated 24.12.2024 (Annexure P-5), whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali, despite the fact that the petitioner was younger in age and more educated than respondent No.4 and was also having a hereditary claim. It is further submitted that though the learned Divisional Commissioner, Ferozepur, vide order dated 24.03.2025 (Annexure P-6), had set aside the Collector's order, however, he erred in appointing respondent No.5 as Lambardar. It is contended that the learned Financial Commissioner (Appeals), Punjab, has also erred in passing order dated 26.05.2025 (Annexure P-8), whereby he restored the Collector's order, without appreciating better merits of the petitioner.

4.1 With the aforesaid submissions, learned counsel for the petitioner prays for setting aside order dated 24.12.2024 (Annexure P-5) passed by the learned Collector, Fazilka; order dated 24.03.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Ferozepur; and order dated 26.05.2025 (Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab, and for directing the appointment of the petitioner (Surinder Kumar) as Lambardar of Village Chak Kheyo Wali.

5. Heard.

6. Here, it would be apposite to state the relative merits of the

petitioner, respondent No.4 and respondent No.5 (as noticed by the learned Collector, Fazilka), which can be summed up as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Petitioner (Surinder Kumar)</i>	<i>Resp. No.4 (Baldev Raj)</i>	<i>Resp. No.5 (Ravinder Kumar)</i>
1.	<i>Age</i>	<i>41 years (as on date 43 years)</i>	<i>57 years (as on date 59 years)</i>	<i>36 years (as on date 38 years)</i>
2.	<i>Educational qualification</i>	<i>12th class pass</i>	<i>10th class pass</i>	<i>12th class pass+Diploma in Computer Application (DCA)</i>
3.	<i>Land holding(s)</i>	<i>103 Kanal-16 Marla</i>	<i>41 Kanal</i>	<i>41 Kanal-2 Marla</i>
4.	<i>Recommended by</i>	<i>----</i>	<i>Naib Tehsildar, Tehsildar and Sub Divisional Magistrate</i>	<i>Gram Panchayat</i>

6.1 A perusal of the above chart shows that no doubt, the petitioner is younger in age than respondent No.4; and 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 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 respondent No.4 is incapacitated from discharging the functions of a Lambardar, in view of his 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 ground that he is older than the petitioner, especially when he was appointed as Lambardar by the learned Collector; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in ***“Ram Kumar Versus The Financial Commissioner, Haryana and others”, 2013 (2) RCR (Civil) 1038.***

6.2 Further, although the petitioner has studied up to 10+2 and is more educated than respondent No.4, who has studied up to 10th standard, however, only on that account, respondent No.4 is not rendered ineligible for

the post of Lambardar.

7. As regards the submission of learned counsel for the petitioner concerning the hereditary claim of petitioner, it needs no reiteration that the such claim has been held to be ultra vires the Constitution by a Division Bench of this Court in ***“Karnail Singh v. The State of Haryana etc.”, 1973 PLJ 676’***.

8. The learned Collector, Fazilka, after interacting with all the candidates and appreciating their relative merits and demerits, found respondent No.4 to be the most suitable candidate for the post of Lambardar.

9. In my considered view, the learned Divisional Commissioner, Ferozepur 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 (Appeals), Punjab has rightly set aside order dated

24.03.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Ferozpur and restored order dated 24.12.2024 (Annexure P-5) passed by the learned Collector, Fazilka, whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali.

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.

11.08.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No