



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

CWP-4717-2025 (O&M)
Date of decision :20.02.2025

MOHAN SINGH

...Petitioner

Versus

THE FINANCIAL COMMISSIONER (APPEALS), PUNJAB
AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sarbjit Singh Khaira, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking issuance of a writ in the nature of *certiorari*, for setting aside the order dated 27.02.2019 (Annexure P-1) passed by the learned District Collector, Gurdaspur, appointing respondent No.4-Dyal Singh as the *lambardar* of Village Tajpur, Tehsil Dina Nagar, District Gurdaspur.

A further prayer has been made for setting aside the order dated 06.10.2021 (Annexure P-2) passed by the learned Commissioner, Jalandhar Division, Jalandhar and also the order dated 18.12.2023 (Annexure P-3) passed by the learned Financial Commissioner (Appeals), Punjab; whereby the appeal and revision filed by the petitioner, has been dismissed.

2. Briefly, upon the demise of Sh. Mota Singh S/o Kehar Singh, the previous *lambardar* of Village Tajpur, proceedings were initiated for filling up the afore-said vacancy. In pursuance of the proclamation made in the village, two applications i.e. one by the petitioner and another by respondent No.4, were received.

2.1 The Naib Tehsildar, Dinanagar as well as the Sub-Divisional Magistrate, Dinanagar recommended the name of Dyal Singh (respondent No.4) for appointment to the afore-said vacancy and the matter was put up before the learned Collector, Gurdaspur.

2.2 The learned Collector, Gurdaspur, after considering the relative merits and de-merits of the candidates, found respondent No.4 as the suitable candidate and accordingly, appointed him as the *lambardar* of Village Tajpur, vide order dated 27.02.2019 (Annexure P-1).

2.3 Feeling aggrieved against the order of learned Collector, Gurdaspur, the petitioner preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which was dismissed vide order dated 06.10.2021 (Annexure P-2).

2.4 Still aggrieved, the petitioner preferred a revision petition (**ROR-209-2022**) before the learned Financial Commissioner (Appeals) Punjab, which was also dismissed vide order dated 18.12.2023 (Annexure P-3).

3. In the afore-mentioned facts and circumstances, the present writ petition has been filed before this Court, for the relief/s, as noticed here-in-above.

4. Heard.

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

candidates (as noticed by learned Collector, Gurdaspur):-

<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Mohan Singh)</i>	<i>Resp. No.4 (Dyal Singh)</i>
1	Age	69-70 years	64-65 years
2	Educational qualification	10 th standard	6 th standard
3	Land holding/s	80 kanal-14 marla	2 kanal-4 marla
4	Recommended by	-----	Tehsildar Dinanagar SDM, Dinanagar

6. It is well established that the learned Collector is the main authority for appointment of the *Lambardar*. It is the Collector, who not only appreciates the antecedents of all the candidates in the fray but also personally interacts with them.

7. The learned Collector, Gurdaspur while appointing respondent No.4-Dyal Singh as *Lambardar*, concluded that he appeared to be more intelligent and aware of *lambardari* works and that his name was recommended by both the lower Revenue Officers. Apparently, respondent No.4- Dyal Singh is also younger in age that the petitioner

8. In *Mahavir Singh v. Khiali Ram and Others, 2009(1) RCR (Civil) 757*, Hon'ble Supreme Court held that with regard to the appointment of a *Lambardar*, age of a candidate is a relevant factor.

9. As far as the recommendations by the lower Revenue Officer is concerned, although, the Collector is not bound by the recommendation made by the Revenue Authorities in favour of a candidate; however, due consideration is to be accorded to such recommendations as they are in a position to assess the suitability of a candidate and such recommendation would have some persuasive value. In this regard, reference can be made to the observations made in the case of *Hakam Singh vs Financial*

Commissioner (Revenue), Punjab, 2016(4) RCR (Civil) 335 and *Atma Singh vs The Financial Commissioner, Revenue, Punjab, 2016(1) LAR 592*.

10. It is required to be noticed that although, the petitioner owns more land than respondent No.4; however, it is observed that so far as holding of land is concerned, same is taken into consideration only for the purpose of security towards government revenue collected by the Lambardar. Respondent no.4 owns about *2kanals-4 marlas* of land, which is sufficient to be taken into consideration for the purpose of security of revenue, collected by the *Lambardar*. Similar view was taken by this Court in *Pishora Singh vs State of Punjab, 2015(2) RCR (Civil) 344*. Furthermore, in case of *Gurpreet Singh versus Financial Commissioner (Revenue), Punjab, 2017(1) RCR (Civil) 233*, this Court has observed that land revenue stood abolished in both the State of Punjab and Haryana, long back, thus owning land by the candidates for the post of *Lambardar* would not be of much significance any further.

11. Furthermore, in the case of *Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273*; it was held by the Division Bench of this Court that choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein.

12. In the present case, the subjective satisfaction of the Collector, has been further upheld by the Appellate as well as the Revisional Authorities below, therefore the same is required to be respected.

13. Considering the totality of circumstances, I do not find any

merit in the instant writ petition and the same is, accordingly, dismissed.

14. All pending application/s, if any, shall also stand closed.

February 20, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No