

LPA-361-2025 (O&M)

2025:PHHC:082885-DB



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

**LPA-361-2025 (O&M)
Date of decision: 09.07.2025**

JATINDER KUMAR

..... Appellant(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. B.S. Mann, Advocate
for appellant.

Mr. R.S. Pandher, Additional AG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 12.11.2024, passed by learned Single Bench, whereby CWP-12253-2023, filed by respondent no.4/writ petitioner has been allowed.

2. Brief facts necessary for adjudication of the matter are that CWP-12253-2023 was filed by respondent no.4-writ petitioner, challenging order dated 06.02.2023, passed by Financial Commissioner, Punjab whereby order dated 03.10.2019, passed by District Collector, Jalandhar and order dated 08.09.2021, passed by Commissioner, Jalandhar Division, Jalandhar had been set aside and matter remanded to District Collector, Jalandhar to pass a fresh order in respect to appointment of Lambardar of village Mehatpur, tehsil Nakodar, district Jalandhar. It is pleaded that earlier Lambardar namely Sukhdev Singh of village Mehatpur, passed away on 15.09.2017 leading to

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initiation of proceedings for filling up vacancy of Lambardar. Seven candidates including the present appellant and respondent no.4 applied and Kashmiri Lal respondent no.4 applied for this post. One of the candidates withdrew his application leaving six candidates in fray. Their antecedents were verified from the local police. Name of respondent – Kashmiri Lal was recommended by Naib Tehsildar, Tehsildar as well as Sub Divisional Magistrate, Nakodar for appointment to the post of Lambardar. The Collector, Jalandhar vide order dated 03.10.2019, after considering relative merits and demerits of the candidates appointed Kashmiri Lal/writ petitioner to be Lambardar of village Mehatpur, tehsil Nakodar, district Jalandhar. Aggrieved therefrom present appellant Jatinder Kumar filed an appeal before the Commissioner Jalandhar Division, Jalandhar, which was dismissed on 08.09.2021. Revision petition filed by appellant Jatinder Kumar was, however, allowed vide order dated 06.02.2023 and the matter remanded to District Collector, Jalandhar for a fresh decision on the ground that FIR No.112 dated 03.10.2008 under Sections 323, 324, 148, 149 IPC stood registered against writ petitioner – Kashmiri Lal at Police Station Mehatpur.

3. Writ petition filed by Kashmiri Lal challenging said order dated 06.02.2023 was allowed by learned Single Bench vide impugned order dated 12.11.2024 while observing that writ petitioner had been found innocent during investigation itself in FIR No.112 dated 03.10.2008. It was further noted that candidature of Kashmiri Lal was duly recommended by Naib Tehsildar and Sub Divisional Magistrate, Nakodar and that writ petitioner had remained a Member Panchayat twice for village Mehatpur, which reflected upon his popularity. Furthermore, no perversity was found in the choice of District Collector, Jalandhar, therefore, order dated 09.09.2019, passed by Financial Commissioner was set aside and order dated 03.10.2019, passed by

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the Collector, Jalandhar upheld by learned Single Bench. Aggrieved therefrom present appeal has been filed.

4. Learned counsel for appellant vehemently argues that learned Single Bench has grossly erred on facts and in law while allowing CWP-12253-2023, filed by respondent no.4. It is submitted that the controversy had not been considered in its correct perspective by learned Single Bench and that Commissioner had correctly observed that respondent-writ petitioner was involved in FIR No.112 dated 03.10.2008 and that there was nothing against the present appellant. A person who is involved in a criminal case cannot be a good choice. Order dated 03.10.2019, passed by District Collector, Jalandhar and order dated 08.09.2021, passed by Commissioner, Jalandhar Division, Jalandhar, were rightly set aside by Financial Commissioner, Punjab. Present appellant, it is submitted is a more meritorious candidate and furthermore, there is no prejudice is caused to respondent by remand of the matter. It is thus prayed that this appeal be allowed.

6. We have heard learned counsel for the parties and have perused the file carefully but do not find any ground to cause interference in the matter.

7. Comparative merits and demerits of the candidates i.e. of writ petitioner – Kashmiri Lal, responded no.4 in the present appeal and the present appellant as duly reproduced in impugned order dated 12.11.2024 read as under:-

S. No.	Particulars	Writ Petitioner/ (Kashmiri Lal) Respondent no.4 in this appeal	Present appellant/ Respondent no.4 in Writ Petition (Jatinder Kumar)
1.	Age	57 years	59 years
2.	Educational qualification	Matric	Matric
3.	Land holding/s	21 Kanal	05 Kanal
4.	Recommended by	Naib Tehsildar Mehatpur, SDM, Nakodar	-----
5.	Other remarks	Remained Member Panchayat for two	

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		times of village Mehatpur	
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8. Learned Single Bench has taken note of the fact that there is not much difference in the age of both the candidates. It is a matter of record that respondent-writ petitioner Kashmiri Lal had been appointed by the Collector, after taking into consideration entire facts and circumstances including the relative merits and demerits of the candidates. Perusal of order dated 03.10.2019, passed by District Collector, Jalandhar reveals that there has been due application of mind by the Collector before proceeding to nominate Kashmiri Lal to the post of Lambardar. It is specifically observed therein that respondent – Kashmiri Lal remained a Member of the Panchayat twice and he has more knowledge of Government work than other candidates. He was also a Member of several institutions of the village and was engaged in public welfare work and his popularity was reflected in the village and he seemed to be more sincere than other candidates. Sole/primary ground on which Financial Commissioner, Punjab has set aside order dated 03.10.2019, passed by District Collector, Jalandhar and order dated 08.09.2021, passed by Commissioner, Jalandhar Division, Jalandhar, and remanded the matter to District Collector, Jalandhar, is the involvement of writ petitioner in FIR No.112 dated 03.10.2008 Sections 323, 324, 148, 149 IPC. However, it is to be noticed that writ petitioner was admittedly found innocent during investigation itself. Same can thus not be held against the writ petitioner or be treated to be a demerit and there is no material on record to indicate that he is a shadowy character as averred by the present appellant.

9. Argument raised by learned counsel for appellant that writ petitioner is a shopkeeper and he does not have land in village Mehatpur but in village Riatpur is not of any benefit to appellant. Furthermore, because

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respondent no.4 is running a grocery shop, cannot be a bar to his appointment as Lambardar.

10. During the course of arguments, it is argued that respondent no.4 is in debt but this aspect has not been considered. We take note of the fact that this is a ground which has not been raised before any of the authorities and neither was this objection taken in the written statement filed by learned Writ Court by the present appellant. Said argument thus merits no consideration. It is a settled position that choice of a Collector is not to be interfered in a routine manner and it is only illegality or gross perversity therein which would call for interference.

11. Learned counsel for appellant is unable to point out any infirmity, irregularity or perversity in the impugned order dated 12.11.2024, passed by learned Single Bench, which is accordingly upheld.

12. No other argument was addressed.

13. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

14. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

09.07.2025
Sunil

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