



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

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**CM-7126-LPA-2025 in/and
LPA-2828-2025
Date of Decision: 19.09.2025**

Kulveer Chand

....Appellant

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Jatinderpal Singh, Advocate
for the appellant.

Harsimran Singh Sethi, J. (Oral)

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This is an application under Section 5 of the Limitation Act for condonation of delay of 68 days in filing the appeal.

Keeping in view the facts mentioned in the application, the same is allowed and the delay of 68 days in filing the appeal is condoned.

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1. In the present petition, the challenge is to the order dated 25.04.2025 passed in CWP-11303-2025 titled as *Kulveer Chand vs. Financial Commissioner (Appeals), Punjab and others*, by the learned Single Judge by



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which, the order dated 07.07.2022 (Annexure P-4) passed by the authorities appointing respondent No.4 as a Lambardar of the village concerned, has been upheld.

2. Learned counsel appearing on behalf of the appellant submits that the claim of the appellant has been rejected by the authorities concerned solely on the ground that he is younger in age than the other candidate i.e. respondent No.4, which is not permissible as per the settled principle of law according to which the candidate younger in age is to be appointed to the said post in preference to an order candidate. Learned counsel for the appellant further submits that though, both the candidates were interviewed for appointment to the post in question by the authorities concerned, the Collector choose to accept the recommendation of respondent No.4 made by the 'Tehsildar' concerned in preference to recommendation of appellant made by the SDM concerned which is arbitrary and illegal and all the authorities, including the Commissioner Ferozpur Division, Ferozpur, the Financial Commissioner as well as the learned Single Judge erred in continuance with the appointment of respondent No.4 as Lambardar.

3. We have heard the learned counsel for the appellant and have gone through the record with his able assistance.

4. The argument which has been raised by the learned counsel for the appellant is that as per the decision in **LPA-2688-2024** titled as ***Karamjit Singh vs. State of Haryana and others***, decided on 04.11.2024, which judgment places reliance upon the judgment of the Hon'ble Supreme Court of India in ***Mahavir Singh vs. Khiali Ram and others***, 2009 (3) SCC 439, the



candidate younger in age has to be appointed.

5. In this regard, it may be submitted that it is not a set standard of procedure while appointment to the said post that in each and every case the candidate who is younger in age is to be preferred over the older one, rather facts of each case has to be seen in order to arrive at a conclusion that who is a better candidate. In case said argument of the learned counsel for the appellant is to be accepted, then the candidate who is older in age, would suffer each and every time at the hands of a candidate who is younger in age, which cannot not be the interpretation of the law, as is being interpreted by the learned counsel for the appellant. Rather, the same is to be done by taking into consideration all the relevant aspects which include but are not limited to qualification experience and antecedents of the candidate.

6. Further, it may be noticed that the choice as to who will be appointed to the post of Lambardar rests upon the revenue authority, being better suited to appoint a person to the said post and the decision of said authorities attain finality unless and until, such selection is shown to be malafide in any manner, which may be taken as a ground to challenge the appointment.

7. In the present case, before the appointment of any candidate at the post of Lambardar by the Collector, the Tehsildar recommended the name of respondent No.4 and the SDM recommended the name of the appellant. After adjudging both the candidates upon the merits upon recommendations made by said authorities, the Collector reached to the conclusion that respondent No.4 is more suitable for the job.



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8. The said finding cannot be overturned merely on the ground that the Collector made an observation and put in writing that the appellant is younger in age than respondent No.4. Though, it can be said that being younger in age is one of the grounds to be taken into consideration, but the same cannot be considered as the sole ground for appointment to said post, especially when a competent authority has after applying its mind, reached to the conclusion that respondent No.4 is more suitable along with the fact that no ineligibility has been produced before this Court qua the appointment of respondent No.4 as Lambardar hence, the same cannot be interfered merely because the appellant is under the impression that he is more suitable.

9. With regard to the reliance being placed on record by the learned counsel for the appellant upon judgment in ***Mahavir Singh's case (supra)*** the Hon'ble Supreme Court of India, in paragraph 16 has held as under:-

“16. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India is basically concerned with the correctness of the decision making process and not the merit of the decision. It has not been found by the High Court that Collector in expressing his opinion as regards comparative merit of appellant vis-a-vis respondent No.1 committed an error in his decision making process. The principles of natural justice have been complied with. Procedure laid down in the Rules had also been complied with. It is also not correct to say, as has been contended by Mr. Mahajan that the Collector had not taken into consideration the services rendered by the respondent No. 1 to the State. He did acknowledge that the respondent No. 1 had rendered the services to the State as a member of the Armed Forces. The Collector also took into consideration that the views of the respectables of the village were in favour of appellant as



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also the fact that he had participated in the collection work of the village and helped the government officials at the time of their visit. He furthermore took into consideration the fact that the Naib Tehsildar, Hansi had also recommended his name. Even the Circle Revenue Officer had recommended therefor.”

10. A bare perusal of the above reproduced paragraph would show that the Hon’ble Supreme Court of India has held that the High Court while deciding cases, as in the present case, is only to see the correctness of the decision making process which concededly has been done correctly in the present case and not the merit of the decision.

11. In the present case, nothing perverse in the decision making process of Collector while appointing respondent No.4 as Lambardar has been brought to the notice of this Court rather, the same is being contended only on the basis of the merit by stating that the appellant is the better suited candidate which issue cannot be dwelled into by the High Court especially when the relevant authorities have already found respondent No.4 as more suitable, hence, the judgment in ***Mahavir Singh’s case (supra)***, as well as ***Karamjit Singh’s case (supra)***, is being misread by the appellant and the same cannot be brought into operation so as to claim that the order passed by the authorities concerned is perverse especially when no eligibility has been shown qua respondent No.4 as well as any irregularity in appointment of the said procedure.

12. Keeping in view the above, the order dated 25.04.2025 passed by the learned Single Judge has not been shown to be perverted either on facts or law. No ground is made out for any interference by this Court in the facts and



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circumstances of the present case.

13. Accordingly, the appeal is dismissed.

14. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 19, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No