

2025:PHHC:068789



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

CWP-14514-2025 (O&M)
Date of decision :21.05.2025

JAGJIWAN JAGGI

...Petitioner

Versus

BALVIR SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Abhijeet Chaudhary, Advocate
for the petitioner.

Mr. Umesh Kumar Kanwar, Advocate
for the caveator/respondent No.1.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 07.04.2025 (Annexure P-3) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on demise of Sh. Hem Raj, previous *lambardar* (SC) of Village Dala, Tehsil Dasuya, District Hoshiarpur; proceedings were initiated for filling up the vacancy wherein, amongst others, petitioner-Jagjiwan Jaggi and respondent No.1-Balvir Singh were also the candidates.

2.1 The Naib Tehsildar, Tanda; Tehsildar Tanda and Sub Divisional Magistrate, Dasuya recommended the candidature of present

petitioner-Jaggiwan Jaggi, for appointment to the afore-said vacancy and placed the matter before the learned Collector, Hoshiarpur.

2.2 The learned Collector, Hoshiarpur considered the relative merits and de-merits of the candidates and found petitioner as the most suitable candidate and accordingly, appointed him as the *lambardar* (SC) of Village Dala, vide order dated 18.08.2022 (Annexure P-1).

2.3 Feeling aggrieved, respondent No.1-Balvir Singh challenged the Collector's order by filing an appeal before the learned Commissioner, Jalandhar Division, Jalandhar; however, the same was dismissed vide order dated 20.12.2023 (Annexure P-2).

2.4 Still aggrieved, respondent No.1-Balvir Singh preferred a revision petition (**ROR-577-2024**) before the learned Financial Commissioner (Appeals), Punjab, which came to be allowed vide order dated 07.04.2025 (Annexure P-3) whereby, the order passed by the learned Collector as well as the learned Commissioner, have been set aside and the matter has been remanded to the learned Collector, Hoshiarpur for deciding it afresh.

2.5 In the afore-mentioned circumstances, the petitioner has filed the present writ petition before this Court.

3. Notice of motion.

4. Mr. Nirmaljit Singh Diwana, Senior Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State of Punjab.

4.1 At this stage, Mr. Umesh Kumar Kanwar, Advocate appears and accepts notice on behalf of respondent No.1/caveator. He submits that since the impugned proceedings/orders are *quasi-judicial* in nature and

relate to appointment of *lambardar*, he does not wish to file any reply and has chosen to argue the matter on merits, today itself.

5. Heard.

6. Here, it would be apposite to refer to the comparative merits of the petitioner and respondent No.1, as noticed by the learned Collector, which are as under :-

<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Jagjiwan Jaggi)</i>	<i>Resp. No.1 (Balvir Singh)</i>
<i>1</i>	<i>Age</i>	<i>49 years</i>	<i>51 years</i>
<i>2</i>	<i>Educational qualification</i>	<i>12th pass Diploma in Stenography</i>	<i>12th pass</i>
<i>3</i>	<i>Recommended by</i>	<i>Naib Tehsildar, Tanda Tehsildar Tanda Sub-Divisional Magistrate, Dasuya</i>	<i>----</i>
<i>4</i>	<i>Other merits</i>	<i>Remained as Municipal Councillor Participates in Development works of the village</i>	<i>Participates in Development works of the village</i>

6.1 Apparently, the petitioner has an edge over respondent No.1, inasmuch as that the petitioner is younger in age than respondent No.1 and the candidature of the petitioner was recommended by all the lower Revenue officials.

7. In the present case, the petitioner was appointed as the *lambardar* (SC) by the learned Collector, Hoshiarpur, which was further affirmed by the learned Commissioner, Jalandhar; however, the learned Financial Commissioner has set aside the petitioner's appointment on the sole ground that the learned Collector, has not addressed the allegations against the petitioner that he is not available in the village.

7.1 During the course of the hearing, a specific query was raised to the learned counsel for respondent No.1-caveator as to on what basis, it was

alleged that the petitioner would not be available in the village; the only answer forthcoming was that the petitioner is running a factory.

7.2 In my considered view, a *lambardar* cannot be expected to be un-employed or merely engaged in agricultural or other activities within the village. Merely because the person is running a factory, it does not necessarily mean that such person would not be available in the village to perform the duties of *lambardar*. Accordingly, finding no force in the afore-said submission of the counsel for respondent No.1, the same is rejected.

8. Furthermore, the order passed by the learned Financial Commissioner, is unsustainable in view of the well settled law that the choice of Collector in the matter of appointment of *Lambardar* is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. (See *Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273*).

8.1 Moreover, the petitioner herein, is younger in age and the Hon'ble Supreme Court in case of '*Mahavir Singh v. Khiali Ram and others*', 2009(1) RCR (Civil) 757, has held that the age of a candidate is a relevant factor for appointment to the post of *Lambardar*.

8.2 That apart, the name of the petitioner was also recommended by all the revenue officers below. Although, the recommendation of lower Revenue Official(s) is not binding on learned Collector, 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.

9. Considering the totality of circumstances, I am of the view that the learned Collector, Hoshiarpur had rightly appointed the petitioner as the *lambardar* of Village Dala; which was further affirmed by the learned Commissioner, Jalandhar; however, the learned Financial Commissioner, had wrongly set aside the said orders. Resultantly, the instant writ petition is allowed and order dated 07.04.2025 (Annexure P-3) passed by the learned Financial Commissioner, is set aside and the order dated 18.08.2022 (Annexure P-1) passed by the learned Collector, Hoshiarpur, appointing petitioner-Jagjiwan Jaggi as *Lambardar* of Village Dala, Tehsil Dasuya, District Hoshiarpur, is maintained.

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

May 21, 2025

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No