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

**CWP-18440-2025 (O&M)
Date of Decision: 25.08.2025**

Nirmal Singh

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 06.10.2021 (Annexure P-1) passed by the learned Collector, Malerkotla; order dated 31.01.2024 (Annexure P-2) passed by the learned Commissioner, Patiala Division, Patiala and order dated 18.07.2024 (Annexure P-3) passed by learned Financial Commissioner, (Appeals) Punjab.

2. Briefly, upon demise of Sh. Charanjit Singh, previous *lambardar* of Village Bapla, Tehsil Ahmedgarh, District Malerkotla, the proceedings were initiated for filling up the vacancy. Pursuant to the proclamation made in the village for filling up the vacancy, a *rapat roznamcha* entry was made at No.248 dated 16.04.2021. In response to the said proclamation, four applications, including the one, submitted by



respondent No.4- Harjit Singh, were received.

2.1 Learned Collector, Malerkotla, vide order dated 06.10.2021 (Annexure P-1), appointed respondent No.4- Harjit Singh as the *lambardar* of Village Bapla.

2.2 The Collector's order was challenged by the petitioner- Nirmal Singh by filing an appeal before the learned Commissioner, Patiala Division, Patiala, primarily on the ground that no proclamation (*mushtari munadi*) was conducted in the village.

2.3 The learned Commissioner, Patiala Division, Patiala, upon consideration of the matter, dismissed the appeal filed by the petitioner, vide order dated 31.01.2024 (Annexure P-2) by observing as under:-

“6. I have given my due consideration to the submissions made by both the parties and have also closely perused the record available on the file. In this case, the Collector has appointed the respondent Harjit Singh S/o Sh. Rajinder Singh as lambardar of village Bapla, Tehsil Ahmedgarh, District Malerkotla. The main assertion of the appellant is that proper munadi was not effected in the village for inviting applications of interested and eligible candidates for the post of lambardar. I have perused the munadi report placed on file which clearly shows that munadi was effected in the village in the presence of various respectable persons of the village and they have signed the munadi report. The munadi report has also been entered in the Rapat Roznamcha of Patwari Halqa vide Rapat No. 248 dated 16.04.2021. The present appellant did not file his application within prescribed period. He had filed application on 10.08.2021 before the AC-II, Ahmedgarh which was rejected being time bared. Thus, it is clear that the appellant had not applied for the post of lambardar within stipulated period. The contention of the appellant that proper munadi was nor effected in the village is not acceptable. The appellant has also failed to explain any demerit of the appointed candidate for which his



*candidature can be ignored. Under the normal circumstances, in the matter of appointment of Lambardar, the choice of District Collector should normally to be preferred and not lightly set aside unless there is some gross irregularity, perversity or patent error in the order. In the present case, I do not find any irregularity or patent error on the basis of which the order passed by the Collector can be altered. Thus, the order passed by the Collector is on merit, as such, the present appeal is hereby **dismissed**.”*

2.4 Being dis-satisfied, the petitioner- Nirmal Singh preferred a revision petition (ROR No.371 of 2024) before the learned Financial Commissioner, Punjab, however, the same was also dismissed vide order dated 18.07.2024 (Annexure P-3).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for seeking relief(s) as noticed hereinabove.

4. Heard.

5. In the present case, the learned Financial Commissioner, Punjab has rejected the revision petition, filed by the petitioner, by observing as under:-

“5. I have heard Ld. Counsel for both the parties, gone through their submissions and perused the order of the courts below. The pleadings of the counsel for the petitioner are not tenable. No Rule regarding appointment of lambardar has been violated by the lower revenue officers/courts. Upon consideration of the well reasoned orders of the lower courts, I am of the view that the findings recorded in this case by the District Collector as well as by the Divisional Commissioner are based upon proper appraisal of facts and merits. The Divisional Commissioner while passing the impugned order has already considered the pleadings of the learned counsel for the petitioner before this court for consideration. The Divisional



Commissioner in his order dated 31.01.2024 rightly observed that the petitioner did not file his application within prescribed time and munadi was effected in the village as munadi report has also been entered in the Rapat Roznamcha of Patwari Halqa vide Rapat No. 248 dated 16.04.2021. However, the choice of lambardar is primarily the prerogative of the District Collector. The selection of lambardar is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in his appointment. The Collector is in an advantageous position to examine the merits and demerits of the candidates. In the present case, the concurrent findings of the District Collector, Malerkotla and the Divisional Commissioner, Patiala do not suffer from any error warranting interference of this court.

6. Thus, keeping in view the aforesaid facts and circumstances of the case, I dismiss the present revision petition and order dated 31.01.2024 passed by the Commissioner, Patiala Division, Patiala and order dated 06.10.2021 passed by the District Collector, Malerkotla are upheld. Copy of this order be communicated to the courts below. File be consigned to the record room.”

5.1 A perusal of the above extracted order passed by the learned Financial Commissioner, Punjab would reveal that the petitioner did not apply for the post of *lambardar* within the prescribed time. As regards the allegation that no *mushtari munadi* (proclamation) was made in the village, a finding of fact has been recorded by the learned Commissioner as well as learned Financial Commissioner that the factum of *munadi* having been effected in the village is duly recorded in the *rapat rozanamcha* of the Halqa Patwari vide *rapat* No.248 dated 16.04.2021.

5.2 Further, a perusal of the recommendation report dated 14.07.2021 (Annexure P-4) submitted by the Assistant Collector 2nd Grade, Ahmedgarh would show that even the signatures of 18 respectable persons



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of the village including Sarpanch, Lambardar Panchayat Member and Chowkidar were also present on the record.

6. Learned counsel for the petitioner has failed to refer to any material on record to show that no *munadi* (proclamation) was carried out in the village for filling up the vacant post of *lambardar*.

7. In my considered view, since the petitioner failed to apply for the post of *lambardar* of Village Bapla within the prescribed period, therefore he lacks the *locus standi* to challenge the appointment of respondent No.4- Harjit Singh as *lambardar* of Village Bapla, particularly when it has not been shown that no proclamation was in fact carried out in the village.

8. Keeping in view the aforesaid facts and circumstances, I find no merit in the instant writ petition, accordingly the same is dismissed.

9. All pending application(s), if any, shall also stand closed.

25.08.2025

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No