

LPA-1456-2025 (O&M)

2025:PHHC:110871-DB



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

LPA-1456-2025 (O&M)

Date of Decision: August 22, 2025

Pawan Singh

..... Appellant

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Dharam Pal, Advocate for the appellant (through VC).

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 05.04.2025 2022 whereby CWP-9681-2025 filed by present appellant (writ petitioner) was dismissed.

2. Brief facts necessary for adjudication of matter are that appellant (writ petitioner) filed CWP-9681-2025 for setting aside order dated 10.08.2018 passed by Divisional Commissioner, Rupnagar and order dated 25.07.2024 passed by Financial Commissioner, Punjab. Process for filing up vacancy of the post of Lambardar (Schedule Caste) of village Dangoli, Tehsil and District Rupnagar was initiated upon death of Amar Singh - Lambardar. Pursuant to insuance of proclamation, 8 applications, including one submitted by appellant and respondent No. 3 - Gurdeep Singh were received. Naib Tehsildar Rupnagar, Tehsildar Rupnagar as well as Sub Divisional Magistrate, Rupnagar

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recommended respondent No. 3 for appointment to the post of Lambardar. During proceedings, one candidate namely Rattan Singh withdrew his application in favour of respondent No. 3 – Gurdeep Singh and three candidates withdrew their applications in favour of present appellant (writ petitioner).

3. Collector, Rupnagar, upon considering the relative merits and demerits of candidates, however, appointed present appellant/writ petitioner as Lambardar of village Dangoli vide order dated 23.01.2018. Collector Rupnagar considered the fact that appellant had carried out Lambardari work for a period of more than seven years ten months as Sarbarah Lambardar of his father - Amar Singh. Collector Rupnagar observed that Pawan Singh was, thus, a more eligible candidate than others in comparative merit and that he was familiar with administrative work which would be beneficial for the villagers.

4. Aggrieved therefrom, respondent No. 3 – Gurdeep Singh filed an appeal which was allowed by Divisional Commissioner, Rupnagar on 10.08.2018. Commissioner, while taking note of objections raised by Gurdeep Singh, set aside order dated 23.01.2018 and remanded the matter to the Collector to decide the case afresh after hearing parties again. Objections raised by respondent – Gurdeep Singh were to the effect that his name had been recommended but was ignored by the Collector without any rhyme or reason; he is much younger (about 51 years old) and energetic than the appointed Lambardar and that present appellant belonged to a political group and carries out the work of connected people whereas Gurdeep Singh was politically neutral.

5. Revision petition under Section 16 of Land Revenue Act filed by present appellant challenging order dated 10.08.2018 passed by Divisional Commissioner Rupnagar Division was dismissed by Financial Commissioner,

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Punjab vide order dated 25.07.2024. Aggrieved therefrom, CWP-9681-2025 was filed by present appellant.

6. Learned Single Bench on considering the facts and circumstances of the case dismissed the writ petition while finding no compelling reason to interfere with the impugned orders. Relevant portion of order dated 05.04.2025 passed by learned Single Bench reads as under:-

“7. In my considered view, the learned Divisional Commissioner has rightly remanded the matter to the learned Collector for fresh consideration and decision on the matter as the petitioner was appointed as Lambardar by the learned Collector only on the ground that he is the son of previous Lambardar and has also acted as Sarbarah Lambardar, and therefore, he has gained experience regarding the lambardari work. It needs no reiteration that the hereditary claim has been held to be ultra vires the Constitution by a Division Bench of this Court in **Karnail Singh v. The State of Haryana etc. 1973 PLJ 676.**

7.1 Furthermore, presently, the petitioner is about 77 years of age and the Hon’ble Supreme Court in **Mahavir Singh v. Khiali Ram and others 2009 (1) RCR (Civil) 757**, has held that age of a candidate is a relevant factor in the matter of appointment for the post of Lambardar.”

7. Aggrieved therefrom, present appeal has been filed.

8. It is to be noted, at the outset, that during pendency of this appeal pursuant to passing of order dated 05.04.2025, District Collector, Rupnagar has decided the matter afresh vide order dated 28.05.2025 and respondent – Gurdeep Singh has been appointed as Lambardar (Scheduled Caste) of village Dangoli in place of deceased Lambardar, Amar Singh. Appellant vide CM-4678-2025 has sought to place on record copy of order dated 28.05.2025. Learned counsel for

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appellant submitted that notwithstanding passing of order dated 28.05.2025 by Collector, Rupnagar cause of action in the present appeal survives as in case this appeal is allowed, order dated 28.05.2025 would automatically be set to naught.

9. We heard learned counsel for appellant at length but do not find any ground whatsoever to cause interference in this matter. Divisional Commissioner remanded the matter to Collector for a decision afresh, while setting aside order dated 23.01.2018. Undoubtedly, the then Collector vide order dated 23.01.2018 seemed to have been primarily swayed by factum of appellant having served as Sarbarah Lambardar during lifetime of his father, who was the Lambardar. In the given factual matrix, order of remand cannot be faulted. The same has been correctly upheld. Learned Single Bench has correctly passed order dated 05.04.2025.

10. Learned counsel for appellant was unable to point out any illegality, infirmity or irregularity in impugned order dated 05.04.2025 which calls for interference.

11. However, appellant is at liberty to challenge/impugn order dated 28.05.2025 in accordance with law while raising all available pleas. It is clarified that observations in present order are limited for decision of instant appeal.

12. Appeal is, accordingly, disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 22, 2025

Rts

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