

2025:PHHC:080720



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

CWP-4142-2025

Date of Decision: 07.07.2025

Gurpreet Singh

..... Petitioner

Versus

The Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. Amardeep Singh Gill, Advocate
for respondent No.4/Caveator.

HARSH BUNGER J. (ORAL)

Petitioner (Gurpreet Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 31.08.2017 (Annexure P-1) passed by the learned District Collector, Jalandhar; order dated 16.10.2019 (Annexure P-3) passed by the learned Commissioner, Jalandhar Division, Jalandhar; and order dated 22.07.2024 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of demise of Sh. Sohan Singh, previous Lambardar of Village Nijjaran, Tehsil Jalandhar-II, District Jalandhar;

proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, three candidates including petitioner-Gurpreet Singh and respondent No.4-Malkiat Singh submitted their applications.

2.1 The learned Tehsildar, Jalandhar-II as well as learned Sub Divisional Magistrate, Jalandhar-II recommended the candidature of the present petitioner-Gurpreet Singh for appointment to the aforesaid vacancy and placed the matter before the learned Collector, Jalandhar.

2.2 The learned Collector, Jalandhar, upon consideration of the matter, found respondent No.4 (Malkiat Singh) as more suitable and appointed him as Lambardar of Village Nijjaran vide order dated 31.08.2017 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 31.08.2017 (Annexure P-1), petitioner (Gurpreet Singh) preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which came to be dismissed vide order dated 16.10.2019 (Annexure P-3), by observing as under:-

“ - x - x -

5. *I have considered the written arguments filed by Id. Counsel for the parties and have gone through the record received in the case and papers brought on the file. It is settled principle that the order of the Collector can only be set aside if the order suffers from any illegality or perversity. I find that the appellant Gurpreet Singh has made a statement before the Naib Tehsildar that he is 12th Classes pass but in fact he is only Matric Pass. He made a wrong statement before the Naib Tehsildar. The respondent is 8th class pass, more land holder and more matured person. He is the son of deceased Lamberdar. There is no allegation against the respondent. There is no illegality or perversity in the impugned order of the*

District Collector dated 31.08.2017. There is no force in the appeal and the same is hereby dismissed.”

2.4 Still aggrieved against the aforesaid order dated 16.10.2019 (Annexure P-3), petitioner (Gurpreet Singh) preferred a revision petition (ROR No.758 of 2021) before the learned Financial Commissioner, Punjab, which has also been dismissed vide order dated 22.07.2024 (Annexure P-5).

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. In the present case, respondent No.4 (Malkiat Singh) was appointed as Lambardar of the Village Nijjaran, Tehsil Jalandhar-II, District Jalandhar vide order dated 31.08.2017 (Annexure P-1) passed by learned District Collector, Jalandhar. The said appointment has been affirmed by learned Commissioner, Jalandhar Division, Jalandhar as well as learned Financial Commissioner vide orders dated 16.10.2019 (Annexure P-3) and 22.07.2024 (Annexure P-5), respectively. In fact, the learned Commissioner while affirming the appointment of respondent No.4 (Malkiat Singh) as the Lambardar, observed that the petitioner had made a wrong statement before the Naib Tehsildar that he is 12th class pass, whereas he was only matric pass.

6. In order to substantiate the aforesaid observation made by the learned Commissioner, learned counsel for the Caveator/respondent No.4 has produced before this Court a certified copy of the statement made by the petitioner-Gurpreet Singh before the Naib Tehsildar, which is taken on record, subject to all just exceptions. A perusal thereof clearly indicates that

the petitioner had represented that he was 12th Class pass.

7. Learned counsel for the petitioner has conceded that petitioner is not 12th class pass and had studied up to 10th class.

8. It is well settled law that the conduct of the candidate for the post of Lambardar should be above board, which does not seem to be fair so far as the petitioner is concerned.

9. At this stage, learned counsel for the petitioner submits that petitioner-Gurpreet Singh is younger in age than respondent No.4-Malkiat Singh.

10. I have considered the aforesaid contention raised by learned counsel for the petitioner. No doubt, the age of a candidate is a relevant factor for appointment to the post of Lambardar; however, the age of a person is to be considered in the context of his physical ability and capacity to discharge his duties as a headman of the village. No such plea has been raised that respondent No.4-Malkiat Singh is incapacitated from discharging the functions of a Lambardar, in view of his age. There is nothing on record suggestive of the fact that any complaint was made against him that he is not able to render his services properly owing to his old age. In this scenario, rejecting the claim of respondent No.4 on the ground that he is older than the petitioner, especially when he was appointed as Lambardar by the learned Collector, which was further upheld by learned Commissioner as well as by learned Financial Commissioner; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in ***“Ram Kumar Versus The Financial Commissioner, Haryana and others”, 2013 (2) RCR (Civil) 1038.***

11. All the authorities below have consistently held that respondent No.4 (Malkiat Singh) is more suitable for appointment to the post of

Lambardar. The said orders are supported by reasons.

12. Keeping in view the aforesaid facts and circumstances, I find no compelling reason to interfere with the impugned orders. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

07.07.2025

Pd

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No