

2025:PHHC:080271



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

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**CWP-16799-2025**

**Date of Decision: 07.07.2025**

Balwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Kanwaljeet Singh, Advocate and  
Mr. Sukhdeep Singh, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

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**HARSH BUNGER J. (ORAL)**

Petitioner (Balwinder 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 05.02.2019 (Annexure P-6) passed by the learned Divisional Commissioner, Rupnagar and order dated 28.11.2024 (Annexure P-7) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Hakam Singh, previous Lambardar of Village Badapind, Tehsil and District Rupnagar; proceedings for filling up the said vacancy were initiated, whereupon petitioner (Balwinder Singh) and respondent No.4 (Tanvir Singh) also applied for the said vacancy.

2.1 It appears that the concerned Tehsildar as well as the Sub Divisional Magistrate recommended the name of petitioner

(Balwinder Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, Rupnagar. It appears that in the meanwhile, another candidate, namely Bhajan Singh, filed an appeal before the learned Collector, raising a grievance that he has not been heard by the revenue officers below.

2.2 It transpires that the learned Collector, vide order dated 24.07.2017, remanded the matter back to the Assistant Collector, First Grade, Rupnagar, for hearing the candidates afresh.

2.3 Thereafter, the Naib Tehsildar, Rupnagar and the Sub Divisional Magistrate, Rupnagar, vide their reports dated 09.10.2017 (Annexure P-2) and 29.11.2017 (Annexure P-3), respectively, recommended the candidature of respondent No.4 (Tanvir Singh) for appointment to the post of Lambardar; and the matter was placed before the learned Collector, Rupnagar.

2.4 The learned Collector, Rupnagar, vide its order dated 23.04.2018 (Annexure P-4), appointed petitioner (Balwinder Singh) as Lambardar of Village Badapind.

2.5 Feeling aggrieved against the aforesaid order dated 23.04.2018 (Annexure P-4), respondent No.4 (Tanvir Singh) preferred an appeal before the learned Divisional Commissioner, Rupnagar, which came to be allowed vide order dated 05.02.2019 (Annexure P-6) and respondent No.4 was appointed as Lambardar of Village Badapind.

2.6 Being dissatisfied with the aforesaid order dated 05.02.2019 (Annexure P-6), petitioner (Balwinder Singh) preferred a revision petition (ROR No.228 of 2019) before the learned Financial Commissioner (Appeals), Punjab, which came to be dismissed vide order dated 28.11.2024 (Annexure P-7).

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

4. Learned counsel for the petitioner submits that the learned Divisional Commissioner, Rupnagar, as well as the learned Financial Commissioner (Appeals), Punjab, have erred in law and fact in setting aside the Collector's order dated 23.04.2018 (Annexure P-4), whereby the petitioner was appointed as Lambardar of Village Badapind, and in turn appointing respondent No.4 (Tanvir Singh) in his place. It is contended that the learned Divisional Commissioner failed to appreciate the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not be lightly interfered with, even if two views are possible. It is further submitted that the petitioner possesses better merits as compared to respondent No.4 and was, therefore, rightly appointed as Lambardar by the learned Collector, Rupnagar. Accordingly, it is prayed that the impugned orders passed by the learned Divisional Commissioner, Rupnagar and the learned Financial Commissioner (Appeals), Punjab, be set aside and the order of the learned Collector, Rupnagar, be restored.

5. Heard.

6. Here, it would be apposite to refer to the relative merits of petitioner (Balwinder Singh) and respondent No.4 (Tanvir Singh), as noticed by the learned Divisional Commissioner, Rupnagar, vide its order dated 05.02.2019 (Annexure P-6):-

	<i>Balwinder Singh</i>	<i>Tanvir Singh</i>
<i>Age</i>	<i>49 years</i>	<i>26 years</i>
<i>Education</i>	<i>10<sup>th</sup> standard</i>	<i>10<sup>th</sup> standard</i>
<i>Land Holding(s)</i>	<i>4 Acres</i>	<i>4½ Acres</i>
<i>Recommendation</i>	<i>Nil</i>	<i>Recommended by learned Naib Tehsildar, Rupnagar as well as learned Sub Divisional Magistrate, Rupnagar</i>

6.1 A perusal of the aforesaid comparison would leave no manner of doubt that respondent No.4 has an edge over the petitioner inasmuch as that respondent No.4 is younger in age and his name was also recommended by the lower revenue officials, which is a relevant consideration, as such recommendations have a persuasive value.

7. Further, a perusal of order dated 23.04.2018 (Annexure P-4) passed by the learned Collector, Rupnagar would show that while appointing the petitioner as Lambardar, the only thing that weighed with the Collector was that initially the name of petitioner was recommended by the revenue officers below, however, after the matter was referred back by the Collector, the lower revenue officers recommended the candidature of respondent No.4 (Tanvir Singh). Accordingly, the Collector chose to rely on the earlier report/recommendations by the lower revenue officers made in favour of the petitioner and appointed him as the Lambardar; despite the fact that on an appeal being filed by another candidate, namely Bhajan Singh, the learned Collector had sent the matter to the revenue officers below for hearing the candidates afresh.

8. The factors to be considered for appointment to the post of Lambardar are enumerated under Rule 15 of the Punjab Land Revenue Rules, which reads as under:

*“15. Matters to be considered in first appointments.-- In all first appointments of headman, regard shall be had among other matters to -*

*(a) his hereditary claims;*

*(b) the property in the estate possessed by the candidate to secure the recovery of land revenue;*

*(c) services rendered to the State by himself or by his family;*

*(d) his personal influence, character, ability and freedom from indebtedness;*

*(e) the strength and importance of the community from which selection of a headman is to be made;*

*(f) services rendered by himself or by his family in the national movements to secure freedom of India.”*

9. Apparently, the learned Collector, while appointing the petitioner as Lambardar, did not undertake a comparative assessment of the merits and demerits of the candidates in light of the factors enumerated under Rule 15 of the Punjab Land Revenue Rules, as extracted hereinabove.

10. Upon an appeal being preferred by respondent No.4, the learned Divisional Commissioner arrived at the conclusion that respondent No.4 possessed better merits and was more suitable for appointment to the post of Lambardar, as respondent No.4 was younger in age as compared to the other candidates, possessed adequate educational qualifications, owned land measuring approximately 4½ acres, and was recommended by the lower revenue authorities. Accordingly, the learned Divisional Commissioner appointed respondent No.4 as Lambardar of Village Badapind, vide order dated 05.02.2019 (Annexure P-6). The said order was subsequently affirmed by the learned Financial Commissioner (Appeals), Punjab vide order dated 28.11.2024 (Annexure P-7).

11. In my considered view, order dated 23.04.2018 (Annexure P-4) passed by the Collector, Rupnagar suffers from perversity, inasmuch as the relevant factors for appointment to the post of Lambardar, as stipulated under Rule 15 of the Punjab Land Revenue Rules, were not taken into consideration. Furthermore, the Collector erroneously chose to rely upon the earlier recommendation made in favour of the petitioner, despite the fact that the matter had already been remanded for fresh

consideration of all the candidates, in pursuance of an appeal filed by one Bhajan Singh. In such circumstances, the earlier recommendation ought to have been excluded from consideration, and a fresh comparative assessment of all the eligible candidates should have been undertaken in accordance with law.

12. Considering the totality of circumstances, I find no illegality or perversity in order dated 05.02.2019 (Annexure P-6) passed by the learned Divisional Commissioner, Rupnagar and order dated 28.11.2024 (Annexure P-7) passed by the learned Financial Commissioner, Punjab. 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**

*Apurva*

**(HARSH BUNGER)  
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No