

2025:PHHC:098709



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

CWP-17424-2025

Date of Decision: 04.08.2025

Jagir Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Anmol Pratap Singh, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Jagir 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 for setting aside order dated 05.02.2019 (Annexure P-3) passed by the learned Collector, Kapurthala, whereby respondent No.6 (Surinder Singh) was appointed as Lambardar of Village Khalu, Tehsil and District Kapurthala.

1.1 A further prayer has been made for setting aside order dated 13.10.2021 (Annexure P-4) passed by the learned Divisional Commissioner, Jalandhar; and order dated 12.09.2024 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Kewal Singh, previous Lambardar

of Village Khalu, proceedings for filling up the said vacancy were initiated.

2.1 The learned Collector, Kapurthala, appointed respondent No.6 (Surinder Singh) as Lambardar of Village Khalu, vide order dated 05.02.2019 (Annexure P-3).

2.2 Feeling aggrieved against the aforesaid order dated 05.02.2019 (Annexure P-3), petitioner (Jagir Singh) and two other persons, namely Sh. Nirmal Singh and Sh. Sukhchain Singh, preferred separate appeals before the learned Divisional Commissioner, Jalandhar, which came to be dismissed vide common order dated 13.10.2021 (Annexure P-4).

2.3 Still dissatisfied, petitioner preferred a revision petition (ROR No.51 of 2022) before the learned Financial Commissioner (Appeals), Punjab. Likewise, Sh. Nirmal Singh and Sh. Sukhchain Singh also preferred separate revision petitions before the learned Financial Commissioner (Appeals), Punjab. However, all the said revision petitions came to be dismissed vide common order dated 12.09.2024 (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, the learned Financial Commissioner (Appeals), Punjab has rejected the petitioner's revision petition along with two separate revision petitions filed on behalf of Sh. Nirmal Singh and Sh. Sukhchain Singh, vide common order dated 12.09.2024 (Annexure P-5), by observing as under:-

“ - x - x -

8. I have heard the Ld. Counsel for both the parties, gone through their submissions and have also perused the order of the courts below. The petitioner did not submit their

applications for the post of Lambardar within the prescribed deadline of 10.10.2018. It is settled law that a person who fails to apply for a post cannot challenge the order passed for its appointment. The applications of the petitioners, submitted after the cutoff date, were rightfully not entertained. The process of selection had already advanced with the Tehsildar and SDM making their recommendations based on the five timely applicants. The petitioners did not participate in the proceedings of the Tehsildar, and as a result, their qualifications and character were not considered. The Naksha Lambardari had already been prepared with the five, eligible candidates, and their belated applications were not valid for consideration. The appointment of Surinder Singh was made following due process, with his qualifications, experience, and background being properly evaluated. The decision was made by the concerned authorities based on the relevant legal and administrative procedures, and no irregularity was found in the process. No substantive evidence was provided by the petitioners to support their claims of insufficient publication of the vacancy. Furthermore, they did not explain how they became aware of the post if the publication was inadequate. Surinder Singh has been performing his duties as Lambardar satisfactorily without any objections or complaints. It is now well settled law that in the matter related to the appointment of Lambardar, the District Collector is the appointing authority. The choice made by the District Collector is required to be respected unless it is found that the order suffers from any illegality or perversity. Even the Hon'ble Punjab and Haryana High Court in case of Tarsem Singh versus Financial Commissioner Cooperation Punjab, 2011 (3) Law Herald 2484 has held that the Collector, being the head of administration at the basic level, is best placed to judge the suitability of a candidate as he directly interacts with the candidates at the time of appointment. Similarly, in Satpal versus State of Haryana and Others, 2011 (3) LAR 636 (P&H), it was observed that the choice of the Collector in the matter of

appointing a Lambardar should not normally be interfered with unless the Collector has taken a perverse view or not exercised his choice judiciously. The Hon'ble Supreme Court in Mahavir Singh versus Khiali Ram and Others, 2009 (1) RCR (Civil) 757 has further clarified that there should not be interference with the choice made by the Collector in the appointment of Lambardar, even if two views are possible, as it is the prerogative of the Collector to compare the merits of the candidates. The petitioner has not demonstrated any illegality or irregularity in the process or findings of the lower authorities.

9. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismiss all three the revision petitions and the orders dated 13.10.2021 as well dated 03.01.2022 passed by Commissioner, Jalandhar Division, Jalandhar as well as order dated 05.02.2019 passed by the Deputy Commissioner-cum-District Collector, Kapurthala are hereby upheld. Copy of this order be communicated to the courts below. This order be placed on all three connected revision petitions.

- x - x - ”

5.1 A perusal of the aforesaid order reveals that the petitioner had not even applied for the post of Lambardar of Village Khalu within the prescribed time period, i.e. up to 10.10.2018. Accordingly, it was held that a person who has failed to submit an application for the said post cannot be permitted to challenge the appointment of a candidate who had duly applied within the stipulated time.

6. Learned counsel for the petitioner has admitted before this Court that the petitioner had, in fact, not applied for the post of Lambardar of Village Khalu. However, it is submitted that the petitioner was unable to apply due to the absence of any proclamation regarding the vacancy in the village.

7. I have duly considered the aforesaid submission made by learned counsel for the petitioner, however, I find no merit in the same as the said contention is not supported by any material/documentary evidence on record. As such, the said bald assertion cannot be accepted and is accordingly rejected.

8. Furthermore, in view of the petitioner's failure to apply for the post of Lambardar of Village Khalu, he lacks the *locus standi* to challenge the appointment of respondent No.6 (Surinder Singh), particularly when it has not been shown that no proclamation was in fact carried out in Village Khalu.

9. Keeping in view the aforesaid facts and circumstances, the present writ petition, being bereft of merit, is dismissed.

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

04.08.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No