

129 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-6861-2025 (O/M)  
Date of decision : 12.03.2025

Avtar Singh ..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Amandeep Saini, Advocate  
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Avtar Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 19.10.2021 (Annexure P-3), passed by learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and also order dated 04.04.2024 (Annexure P-6), passed by learned Financial Commissioner, Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Bachitar Singh, previous Lambardar of village Jafarpur, Tehsil Nawanshahr, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation carried out in the village for calling applications for filling up the aforesaid vacancy, 17 applications including the one submitted by petitioner (Avtar Singh) and respondent No. 3 (Charanjit Singh) were received. The Naib Tehsildar, Nawanshahr recommended the candidature

of one Gurmail Singh for appointment to the aforesaid vacancy. On the other hand, learned Sub Divisional Magistrate, Nawanshahr, recommended the candidature of respondent No. 3 (Charanjit Singh) for appointment to the aforesaid vacancy and the matter was placed before the learned Collector, SBS Nagar (in short 'Collector').

2.1 Learned Collector, vide order dated 04.11.2020 (Annexure P-1), appointed the petitioner (Avtar Singh) as Lambardar of village Jafarpur.

2.2 Feeling aggrieved against learned Collector's order dated 04.11.2020 (Annexure P-1), respondent No. 3 preferred an appeal before learned the Divisional Commissioner, who vide order dated 19.10.2021 (Annexure P-3), allowed the appeal and remanded the matter to learned Collector for deciding the matter afresh.

2.3 Still aggrieved against learned Divisional Commissioner's order dated 19.10.2021 (Annexure P-3), the petitioner preferred a revision petition (ROR-934-2021) before the learned Financial Commissioner, who dismissed the same, vide order dated 04.04.2024 (Annexure P-6). Hence, the instant civil writ petition.

3. Heard.

4. In the present case although the petitioner was appointed as Lambardar of village Jafarpur by learned Collector, however, on an appeal filed by respondent No. 3, learned Collector's order dated 04.11.2020 (Annexure P-1) was set aside and the matter has been remanded to learned Collector for fresh decision after noticing that respondent No. 3 was younger in age than the petitioner and also that respondent No. 3 was better qualified than the petitioner. Learned

Divisional Commissioner's order has been further upheld by learned Financial Commissioner.

5. Concededly, the petitioner is more than 60 years of age and has studied only upto 7<sup>th</sup> class, whereas respondent No. 3 is about 50 years of age and has studied upto 10+2. Hon'ble the Supreme Court in the case of ***Mahavir Singh Versus Khiali Ram and others***, 2009 (1) RCR (Civil) 757, has held that age of a candidate in the matter of Lambardar is a relevant factor and further considering the duties to be performed by Lambardar, it is always beneficial to have an educated person manning the said post. The said factors are required to be considered alongwith other factors envisaged under Rule 15 of Punjab Land Revenue Rules.

6. In view of the above, I find no merit in the instant civil writ petition and the same is accordingly dismissed.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)  
JUDGE

12.03.2025  
sjks

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