

2025:PHHC:104483



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

CWP-23219-2025 (O&M)
Date of decision :12.08.2025

AJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order (Annexure P-1) passed by the learned Tehsildar, Garhshankar; order dated 28.03.2023 (Annexure P-3) passed by the learned Sub-Divisional Magistrate, Garhshankar and also the order dated 19.09.2024 (Annexure P-8) passed by the learned Deputy Commissioner, Hoshiarpur.

2. Briefly, proceedings regarding appointment of *lambardar* of village Sarhala Kalan, Tehsil Garhshankar, District Hoshiarpur, were initiated in the year 2019; wherein, petitioner-Ajit Singh was also a candidate.

2.1 It appears that when the proceedings were pending before the learned Tehsildar, Garhshankar; the petitioner did not appear before him. Similarly, other candidates namely, Harpreet Singh, Davinderpal Singh, Gurmeet Singh, Baljinder Singh, Sukhchain Singh also remained absent before the learned Tehsildar and rather only two candidates, namely Sh. Kulwaran Singh son of Ranjit Singh and Sh. Balwinder Singh son of Piara Singh had appeared. The learned Tehsildar, recommended Sh. Kulwaran Singh for appointment to the afore-said vacancy and directed the parties to appear before the learned Sub-Divisional Magistrate, Garhshankar on 28.03.2023.

2.2 On 28.03.2023, again only two candidates, namely Sh. Kulwaran Singh son of Ranjit Singh and Sh. Balwinder Singh son of Piara Singh, appeared before the learned Sub-Divisional Magistrate, Garhshankar who vide his report dated 28.03.2023 (Annexure P-3) recommended the candidature of Sh. Kulwaran Singh and directed the parties to appear before the learned Deputy Commissioner, Hoshiarpur.

2.3 It appears that the petitioner through his counsel, moved an application before the learned Sub-Divisional Magistrate, Garhshankar for considering his candidature as well; however, the said request of the petitioner was declined as the petitioner had already been proceeded against *ex-parte* before the learned Tehsildar, Garhshankar.

2.4 It transpires that the petitioner preferred a writ petition (**CWP-18597-2023**) before this Court, seeking direction to the official respondents to consider the application submitted by the petitioner for the post of *lambardar*. The afore-said writ petition came to be disposed of by this Court vide order dated 25.08.2023 by granting liberty to the petitioner to submit a fresh representation before the learned Deputy Commissioner,

Hoshiarpur and further directing the learned Deputy Commissioner, Hoshiarpur to decide the same expeditiously in accordance with law.

2.5 Thereafter, the application submitted by the petitioner was considered by the learned Deputy Commissioner, Hoshiarpur and the same was rejected vide order dated 19.09.2024 (Annexure P-8) by holding that the petitioner had already been proceeded against *ex-parte* before the learned Tehsildar, Garhshankar.

2.6 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Heard.

4. Concededly, when the proceedings were pending before the learned Tehsildar, Garhshankar in relation to appointment of *lambardar* of Village Sarhal Kalan, the petitioner failed to appear before him and accordingly, he and various other candidates, who had absented; were proceeded against *ex-parte* and the learned Tehsildar recommended the candidature of one Sh. Kulwaran Singh. Further, when the matter was put up before the learned Sub-Divisional Magistrate, Garhshankar; the petitioner appeared through his counsel and made a request for considering his claim; however, the same was not accepted. Even the learned Deputy Commissioner, Hoshiarpur has not accepted the candidature of the petitioner by observing that the petitioner has already been proceeded against *ex-parte*.

5. In my considered view, in the matter of appointment of *lambardar*, the initial proceedings are undertaken by the concerned Revenue officer/Tehsildar, who after considering the comparative merits/de-merits of the candidates and also interacting with the candidates, submits his recommendation as regards the suitability of a particular candidate for the

post of *lambardar*. Since, the petitioner and also the other candidates, as noticed above, had failed to appear before the learned Tehsildar, accordingly, the petitioner along with other candidates, were proceeded against *ex-parte* and the learned Tehsildar had already recommended the candidature of one Kulwaran Singh. In case, the request of the petitioner to consider his candidature for the post of *lambardar* is accepted at this stage, in that eventuality, the entire proceedings shall have to be re-opened and started *de-novo*, which would also include granting opportunity to all other candidates, who had absented themselves before the learned Tehsildar. The said exercise would amount to stalling the selection process for the post of *lambardar*, which has already crossed the initial two stages.

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

7. All pending applications (if any) shall also stand closed.

August 12, 2025

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No