

LPA-884-2025 (O&M)
LPA-915-2025 (O&M)

2025:PHHC:078055-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. LPA-884-2025 (O&M)
Date of decision: 03.07.2025

HARI OM Appellant(s)

Versus

FINANCIAL COMMISSIONER, HARYANA AND OTHERS
..... Respondent(s)

2. LPA-915-2025 (O&M)

HARI OM Appellant(s)

Versus

SHAMSHER AND OTHERS Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Mani Ram Verma, Advocate
for applicant/appellant(s).

CM-2209-LPA-2025 in LPA-884-2025
CM-2293-LPA-2025 in LPA-915-2025

Heard.

For reasons mentioned in applications and arguments addressed,
delay of 04 days in filing of both the appeals is condoned.

Applications are disposed of accordingly.

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1. This order shall dispose of LPA-884-2025 and LPA-915-2025,
which are taken up together for adjudication and decision, at request and with
consent of learned counsel for parties, as both appeals arise out of common
order dated 11.11.2024, passed by learned Single Bench, whereby CWP-

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27615-2023, filed by respondent no.4 and CWP-19991-2023, filed by present appellant have been decided. CWP-27615-2023, filed by respondent no.4 has been allowed while CWP-19991-2023, filed by present appellant has been dismissed vide impugned order.

2. Brief facts necessary for adjudication of both the appeals are that upon death of one Hari Ram i.e. the previous Lambardar (Backward Class) of village Balkara, Tehsil and District Charkhi Dadri, proceedings were initiated for filling up the said vacancy. Four applications including the one submitted by present appellant and respondent no.4 were received. Appellant, it is stated is serving as Computer Operator on contractual basis at Mini Secretariat. Assistant Collector-cum-Tehsildar considered the case of three candidates as the fourth did not appear. He recommended the case of Shamsher Singh – respondent no.4 to Sub-Divisional officer(Civil)-cum-Assistant Collector, Ist Grade, for appointment to the post of Lambardar, being the youngest and having experience of Computer Operator in the office of SDO (Civil), who after hearing the parties also recommended the case of present appellant to the Collector. The Collector considered the case of two candidates i.e. present appellant and respondent no.4 as third candidate did not appear either in person or through his counsel. Collector, Charkhi Dadri, on considering the comparative merits of both the candidates, however, concluded that respondent no.4 was a more meritorious candidate than appellant. Accordingly he was appointed vide order dated 27.11.2019 (Annexure P-1).

3. Appeal filed by present appellant was dismissed by the Commissioner Rohtak Division, Rohtak, vide order dated 09.02.2021 (Annexure P-2). Revision petition under Section 16 of Haryana Land

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Revenue Act, 1887 (for short 1887 Act), was filed by appellant. Financial Commissioner, Haryana, on considering the same, set aside order dated 27.11.2019, passed by the Collector while observing that the same required reconsideration while concluding that present appellant's employment as a contractual Computer Operator at Mini Secretariat, cannot be a disqualification for appointment as Lambardar. Thus, until and unless the Collector arrives at a conclusion that such employment would ordinarily interfere in performance of his duties as Lambardar, his candidature cannot be ignored. Moreover, in view of the special provision provided in Rules for appointment of Lambardar reserved for SC/ST and Backward Class categories, primacy should be given to factors enumerated in Rule 19-B of Haryana Land Revenue Rules over other factors for appointment of Lambardar, though other factors like land holding in the revenue estate and previous experience as substitute/Sarbarah Lambardar will not be totally irrelevant. The matter was thus remanded to the Collector to be decided afresh after giving primacy to factors listed in Rule 19-B of Haryana Land Revenue Rules. Aggrieved of order dated 05.07.2023 (Annexure P-3), passed by Financial Commissioner, Haryana, both appellant as well as respondent no.4 filed the respective writ petitions as are detailed in foregoing paras. Present appellant filed CWP-19991-2023 seeking modification of order dated 05.07.2023 to the effect that the question of land holding in the revenue estate and previous experience as substitute/Sarbarah Lambardar should be totally ignored.

4. Learned Single Bench on considering the facts and circumstances and comparative merit of appellant and respondent no.4, concluded that as concededly present appellant was working as Computer

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Operator with the District Administration on the basis of outsourcing under the 'Haryana Kaushal Rozgar Nigam Ltd.', he would not be readily available at the time of need of villagers especially keeping in view various duties to be performed by a Lambardar. His availability would always be in doubt. Thus, in the given factual matrix, it was found that respondent no.4 – Shamsheer Singh had been correctly appointed by Collector Charkhi Dadri to the post of Lambardar (Backward Class) village Balkara. Accordingly, CWP-27615-2023, titled 'Shamsheer Singh Vs. Financial Commissioner Haryana and others' was allowed and order dated 05.07.2023, passed by Financial Commissioner, Haryana, was set aside and order dated 27.11.2019, passed by the Collector was upheld. CWP-19991-2023, filed by present appellant was dismissed. Aggrieved therefrom present appeals have been filed by appellant - Hari Om.

5. Learned counsel for appellant in both the appeals vehemently argued that learned Single Bench has grossly erred on facts and in law in passing impugned order dated 11.11.2024, whereby writ petition filed by present appellant has been dismissed and the one filed by respondent no.4 allowed. It was submitted that the Collector has not followed the criteria as is prescribed in Section 19 of Haryana Land Revenue Rules, which relates to appointment to the post of Lambardar of Backward Class category. Present appellant is better educated than respondent no.4 and is also younger by two years. Merely because he is working as a Computer Operator, cannot be taken to be a disqualification. It was thus prayed that impugned order dated 11.11.2024 be set aside and CWP-19991-2023, filed by present appellant be allowed as prayed for and the matter should be remanded to be decided in accordance with provisions of law.

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6. We heard learned counsel for appellant in both the appeals at length and have perused the files carefully.

7. Learned Single Bench noted the comparative merit of both the appellant and respondent no.4 as under:-

Srl. No.	Particulars	Petitioner (Shamsher)	Respondent no.4 (Hari Om)
1	Age	36 years	34 years
2	Educational qualification	12 th Class	B.A. Pass Diploma in ITI
3	Land holding/s	9 Kanal – 13 Marlas	1 Kanal
4	Occupation	Agriculturist	Working as Computer Operator
5	Recommended by	Tehsildar	SDO (Civil)
6	Other remarks	Remained Sarbarah Lambardar Member of Red Cross Society Invested in Small Savings Schemes	Donations to Gaushala Life member of Red Cross Society

8. It was noted that present appellant was working as a Computer Operator with the District Administration and his availability would always remain in doubt. It was further noted by learned Single Bench that merely because a person is in service whether Government or private, the same by itself may not be a disqualification but it is his availability in the village, which would be a relevant factor to be considered by the Collector. It was further observed as under:-

“5. The learned Collector, has appointed Shamsher Singh (petitioner in CWP-27615-2023) as Lambardar (BC) of Village Balkara, by referring to various merits of Shamsher Singh, which included reference to hereditary claim as well as his more land holdings. There is no dispute that the present Lambardari relates to Backward Class, for which, holding more land would be an irrelevant consideration, in terms of Rule 19-B of the Rule ibid and

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further the hereditary claim having been held to be ultra-vires to Article 14 of the Constitution of India; however, there is no denial by learned counsel for respondent No.4 that the primary ground for non-suiting respondent No.4 from the post of Lambardar was on account of his service as a Computer Operator at Mini Secretariat; therefore, he would not be available to the villagers for their works during the day. It is well established that a Lambardar is called upon by the Revenue, Police and Administrative Officers, to assist in various matters like disputes regarding possession of land, demarcation of land, identification of persons, attending to revenue and police officers when they visit the village for inspection of crops or for other official matters. A Lambardar is called upon by inhabitants of village to attest documents, identify them when they register documents etc.”

9. In our considered opinion, learned Single Bench has correctly proceeded to decide both the writ petitions. We take specific note of the fact that there is no averment either in the writ petition or even in his appeal that working hours of present appellant are flexible, so as to allow him sufficient time for carrying out the functions of a Lambardar. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called out only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in *Neeraj Kumar Vs. State of Haryana and others, 2013(4) RCR* (Civil) and *Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325*.

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10. Learned counsel for appellant was unable to point out any illegality, infirmity or perversity in the impugned order dated 11.11.2024, passed by learned Single Bench, which is accordingly upheld.

11. No other argument has been addressed.

12. Keeping in view the facts and circumstances as above, both the appeals are accordingly dismissed with no order as to cost.

13. Photocopy of this order be placed on the file of above mentioned connected case.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

03.07.2025

Sunil

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