

114

2025:PHHC:052022



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

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**CWP-9864-2025**

**Date of Decision:21.04.2025**

Harchand Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

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

Present: Mr. Mandeep K. Sajjan, Advocate  
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Sunny K. Singla, Advocate  
for caveator/respondent No.4.

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**HARSH BUNGER J. (ORAL)**

Petitioner (Harchand 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 23.05.2024 (Annexure P-6) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of demise of Sh. Naib Singh, previous Lambardar of Village Mahlan, Tehsil and District Rupnagar; proceedings for filling up the said vacancy were initiated, wherein 10 candidates (including the petitioner-Harchand Singh and respondent No.4-Darshan)

had applied.

2.1 The learned Tehsildar, Rupnagar recommended the candidature of respondent No.4-Darshan, whereas learned Sub Divisional Magistrate, Rupnagar, recommended the candidature of present petitioner-Harchand Singh, for appointment to the aforesaid vacancy and forwarded the matter to learned District Collector, Rupnagar.

2.3 The learned District Collector, Rupnagar, after considering the relative merits and demerits of the candidates appointed petitioner-Harchand Singh as *Lambardar* of Village Mahlan, Tehsil and District Rupnagar vide order dated 23.04.2018 (Annexure P-4).

3. Being dissatisfied with the aforesaid order dated 23.04.2018 (Annexure P-4), respondent No.4-Darshan preferred an appeal before the learned Divisional Commissioner, Rupnagar; which came to be dismissed vide order dated 09.10.2020 (Annexure P-5).

4. Still aggrieved, respondent No.4 preferred a revision petition (ROR No.566 of 2020) before the learned Financial Commissioner (Appeals), Punjab; which was allowed vide order dated 23.05.2024 (Annexure P-6), whereby order dated 23.04.2018 (Annexure P-4) passed by learned District Collector, Rupnagar and order dated 09.10.2020 (Annexure P-5) passed by learned Divisional Commissioner, Rupnagar were set aside; and the matter was remanded to the learned District Collector, Rupnagar, for fresh decision.

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

6. Notice of motion.

7. At this stage, Mr. Navneet Singh, Senior Deputy Advocate

General, Punjab and Mr. Sunny K. Singla, Advocate, who are present in Court, accept notice on behalf of the respondents-State and respondent No.4-Caveator, respectively. Caveat stands discharged.

8. Learned counsel for the respective parties have addressed their arguments on the merits of the case.

9. Heard.

10. In the present case, the petitioner was appointed as Lambardar vide order dated 23.04.2018 (Annexure P-4) passed by learned District Collector, Rupnagar, by observing as under:

*“After carefully reading of the records on the file, and hearing of the candidates/counsels, it was found that both the candidates have submitted applications in court signed by the village panchayts/villagers/respectable in their respective favors, but according to the law, the appointment of Lambardar has to be done through selection. Both the candidates are equal in terms of education. Candidate Sh. Darshan Singh may have been the sarbhraha of the deceased Lambardar for some time, but according to the report of Tehsildar, Rupnagar dated 13.01.2018, he has illegally occupied the Panchayat road (gair mumkin rasta). It is not in the public interest to appoint such a person for the post of Lambardar. Although the age of candidate Mr. Harchand Singh is older than candidate Mr. Darshan Singh, he is in good health due to retirement from the military. The objection raised by candidate Mr. Darshan Singh regarding discharge of the waste water of his house into the Panchayat Dharamsala, has not been proven correct according to the reports of Tehsildar, Rupnagar and BDPO Rupnagar. Keeping all these facts in mind, the Sub Divisional Magistrate, Rupnagar, while considering candidate Mr. Harchand Singh as a suitable and intelligent candidate, has recommended his name. Therefore, while agreeing with the*

*report of Sub Divisional Magistrate, Rupnagar, candidate Mr. Harchand Singh son of Mr. Surinder Singh has been appointed as the Lambardar in place of deceased Lambardar Sh. Naib Singh son of Mr. Hansa. Singh of Village Mahlan Hadbast no. 58, Tehsil and District Rupnagar. Order pronounced. The file is consigned in the record room.”*

10.1. A perusal of the above extracted findings recorded by learned District Collector, Rupnagar, would show that although respondent No.4 was non-suited by observing that he had illegally occupied the Panchayat road (gair mumkin rasta), however, even if the aforesaid factor is kept out of consideration, it would be seen that as far as the education is concerned, the petitioner as well as respondent No.4 were found to be equally placed. That apart, the petitioner was found to be a suitable candidate on account of the fact that Sub Divisional Magistrate has recommended his candidature and also that he was Ex-serviceman.

10.2. In my considered view, the learned Financial Commissioner has erred in setting aside Collector's order dated 23.04.2018 (Annexure P-4), whereby petitioner was appointed as *Lambardar*. It is well settled that in the matter of appointment of *Lambardar*, the choice of learned District Collector is not to be lightly interfered with, even if two views are possible unless there is any patent illegality or perversity. Learned District Collector had appointed the petitioner as the *Lambardar* by considering the fact that his candidature was recommended by the Sub Divisional Magistrate, Rupnagar and that he was an Ex-serviceman and no fault can be found with the same.

10.3. At this stage, learned counsel for respondent No.4 has raised a plea that respondent No.4 is younger in age than the petitioner. In this regard, a specific query was raised to the learned counsel for respondent

No.4 as to whether on account of advanced age, the petitioner is incapacitated to perform the duties of office of *Lambardar*, or that any such plea was taken before any of the Authorities below, the response by the counsel for respondent No.4 is a clear 'no'. In this scenario, rejecting the claim of petitioner on the ground that he is older than respondent No.4, especially when he was appointed as *Lambardar* by the learned District Collector; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in "***Ram Kumar Versus The Financial Commissioner, Haryana and others***", 2013 (2) RCR (Civil) 1038.

11. In view of the above discussion, the present writ petition is allowed and impugned order dated 23.05.2024 (Annexure P-6) passed by learned Financial Commissioner (Appeals), Punjab is set-aside and order dated 23.04.2018 (Annexure P-4) passed by learned District Collector, Rupnagar, appointing petitioner as *Lambardar* is hereby maintained.

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

**21.04.2025**

*Pd*

**(HARSH BUNGER)  
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No