

2025:PHHC:050288-DB



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

**LPA No. 3399 of 2024 (O&M)
Date of Decision:21.04.2025.**

Jagsir Singh

.....Appellant

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

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

**Present: Mr. Ravish Bansal, Advocate
for appellant.**

LISA GILL, J.

CM-8380-81-LPA of 2024

For reasons mentioned in the applications as well as arguments addressed, delay of 65 days in filing and 180 days in re-filing the present appeal are condoned subject to just exceptions.

Applications are accordingly disposed of.

CM-8381-LPA of 2024

For the reasons mentioned in the application as well as arguments addressed, delay of 180 days in re-filing the present appeal is condoned subject to just exceptions.

Application is accordingly disposed of.

LPA No. 3399 of 2024 (O&M)

1. This appeal has been filed for setting aside order dated 06.02.2024 passed by learned Single Bench, whereby writ petition filed by present appellant/writ-petitioner has been dismissed.

2. Brief facts necessary for adjudication of the matter are that appellant/writ-petitioner, filed CWP No. 2619 of 2024 for setting aside order dated 28.03.2018, passed by District Collector, Faridkot, order dated 28.08.2019, passed by the Commissioner, Faridkot Division, Faridkot and order dated 23.01.2023, passed by Financial Commissioner, whereby respondent no.4-Jaswinder Singh was appointed as Lambardar of village Jeonwala, Tehsil Kotakpura, District Faridkot, from Scheduled Caste Category. It was pleaded that on account of death of Nachhattar Singh, earlier Lambardar of village Jeonwala, Tehsil Kotakpura, District Faridkot, post of Lambardar fell vacant and process for appointment of next Lambardar was started. Mushtri Munadi was conducted in the village for inviting applications from the interested and eligible candidates. Four applications i.e., by Jagsir Singh (appellant), Jaswinder Singh (respondent no.4), Gurmail Singh and Iqbal Singh were received. Character verification of said candidates was conducted by the police. On completion of all necessary formalities, Naib Tehsildar, Kotakpura recommended the name of appellant/writ-petitioner to be appointed as Lambardar from SC Category of village to Tehsildar, Kotakpura, who also agreed with the same and sent the same to Sub Divisional Magistrate. On agreeing with all the reports recommending the name of appellant/writ-petitioner for appointment as Lambardar from SC Category to the Collector, matter was forwarded to the Collector, who on evaluation of inter-se merits and demerits of the candidates found respondent no.4-Jaswinder Singh, to be more meritorious

and accordingly appointed him as Lambardar of village vide order dated 28.03.2018.

3. Aggrieved therefrom, an appeal was filed by appellant Jagsir Singh. Divisional Commissioner on finding no perversity in order dated 28.03.2018 passed by the Collector, dismissed the same vide order dated 28.08.2019. Aggrieved therefrom, appellant/writ-petitioner filed revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before learned Financial Commissioner, who also found no perversity in orders passed by the Collector and Commissioner, thus dismissed the petition vide order dated 23.01.2023.

5. Aggrieved therefrom, CWP No. 2619 of 2024 was filed. Learned Single Bench, on considering the facts and circumstances of the case, found no merit in the writ petition preferred by the appellant/writ-petitioner and accordingly dismissed the same.

6. Aggrieved therefrom present appeal has been filed.

7. Learned counsel for appellant vehemently argues that impugned orders have been incorrectly passed. District Collector, Faridkot, vide order dated 28.03.2018 has not followed any particular criteria in nominating respondent no.4-Jaswinder Singh as Lambardar of the village. There is a mere assertion in a very subjective manner to the extent that respondent no.4 is an intelligent, knowledgeable and mature person, whereas present appellant/writ-petitioner is younger and better educated than respondent no.4. Appellant being the son of deceased Lambardar was better equipped to discharge duties of said post. It is thus prayed that impugned orders being illegal and perverse be set aside and writ petition filed by appellant/writ-petitioner be allowed as prayed for.

8. We have heard learned counsel for appellant/writ-petitioner and have perused the file carefully. However, we do not find any ground whatsoever to cause interference in this matter.

9. It is a matter of record that District Collector, Faridkot on considering the facts and circumstances and upon personal interaction found respondent no. 4 to be the best candidate to discharge the duties of Lambardar. Observations of District Collector in order dated 28.03.2018 are reproduced as under:-

“6. Upon perusal of the record on the file and hearing the candidates, I have found that all the candidates have tried to show themselves to be better than the others. All facts are to be kept in mind at the time of appointment of Lambardar as to which person has a better claim. In this case, Sh. Jaswinder Singh candidate has a better claim who can discharge Lambardari duties in a better manner because in comparison to other candidates he is intelligent, knowledgeable and matured person. Even during hearing of the case, this candidate was found to be intelligent from other candidates and was communicating in a proper manner and can properly discharge Lambardari duties. Though, this candidate is less educated than other candidates but in view of experience, he is a perfect and intelligent candidate who is capable of being Lambardar of the village. Respectable persons of the village have recommended to appoint him as Lambardar.”

10. All the authorities including the Commissioner as well as the Financial Commissioner (Appeals), Punjab, did not find any ground to differ with the reasoning given by the District Collector, Faridkot. It is a settled position that the Collector, who is the appointing authority of Lambardar is an advantageous position to examine the merits and demerits of candidates. Choice of Collector is not to be interfered in a routine manner, unless and

until such decision is pointed out to be perverse or without an assessment of comparative merit of candidates. In the present case, no such ground has been pointed out which calls for interference. Question of respondent no.4 being less educated has been clearly dealt with. Furthermore, appellant cannot claim an edge merely by virtue of being son of a deceased Lambardar. Hon'ble the Supreme Court in **Mahavir Singh Vs. Khiali Ram and others, 2009 (1) RCR (Civil)757** has held that interference in such matters should be minimal. It is only when some perversity or illegality is pointed out and comparative merits and demerits of the candidates have not been considered that interference should be caused. We also take note of the fact that respondent no.4 has admittedly been discharging duties of Lambardar since his appointment in the year 2018. There is no material on record to indicate that he has not been discharging his duties in a satisfactory manner in a proper fashion.

11. Learned counsel for appellant is unable to point out any illegality, infirmity or perversity in the impugned order dated 06.02.2024, passed by learned Single Bench, which calls for interference by this Court.

12. No other argument has been addressed.

13. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit. Pending application(s), if any, stand (s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(SUDEEPTI SHARMA)
JUDGE**

April 21, 2025.

s.khan

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