

120 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-28774-2024 (O/M)  
Date of decision : 17.02.2025

Satnam Singh ..... Petitioner

Versus

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

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Puneet Kumar Bansal, Advocate  
for the petitioner.  
Mr. Navneet Singh, Senior DAG Punjab.  
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HARSH BUNGER, J. (ORAL)

1. Petitioner (Satnam 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 13.05.2024 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Sher Singh, previous Lambardar (General Category) of village Shikarpur alias Kanwan Wali, Tehsil and District Fazilka, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation made in the village, 14 applications (including the applications submitted by the petitioner and respondent No. 4), were received.

2.1 The Tehsildar, Fazilka as well as Sub Divisional Magistrate, Fazilka, recommended the name of respondent No. 4 (Jaspal Singh) for appointment to the aforesaid vacancy

2.2 The learned Collector, Fazilka (in short 'Collector'), after noticing the comparative merits/demerits of the candidates and after

finding respondent No. 4 (Jaspal Singh) as the best suitable candidate, appointed him as Lambardar (General Category) of village Shikarpur alias Kanwan Wali, vide order dated 24.03.2021 (Annexure P-4).

2.3 The aforesaid learned Collector's order dated 24.03.2021 (Annexure P-4) came to be challenged by the present petitioner (Satnam Singh) by filing an appeal before the learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner'). Similarly, another candidate, namely, Kulwinder Singh (respondent No. 5) challenged the learned Collector's order by filing his independent appeal. Both the aforesaid appeals came to be decided by learned Divisional Commissioner, vide common order dated 25.01.2023 (Annexure P-5), whereby the matter was remanded to the learned Collector for re-examination of the facts, especially the educational certificate of Graduation of respondent No. 4 (Jaspal Singh) by observing that in case, the said certificate is found to be not genuine then respondent No. 4 be removed from the post of Lambardar by appointing a suitable candidate and if the certificate of respondent No. 4 (Jaspal Singh) is found to be genuine then he will continue to do his duties as Lambardar.

2.4 Being aggrieved against order dated 25.01.2023 (Annexure P-5), passed by learned Divisional Commissioner, respondent No. 4 (Jaspal Singh) filed a revision petition (ROR-593-2022) before the learned Financial Commissioner, which came to be allowed, vide impugned order dated 13.05.2024 (Annexure P-8).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for the relief(s), as noticed hereinabove.

4. Heard.

5. Here, it would be appropriate to refer to the relative merits, as noticed by learned Collector, which are as under :-

Particulars	Petitioner (Satnam Singh)	Respondent No. 4 (Jaspal Singh)
Age	41	30
Educational qualification	5 <sup>th</sup> pass	B.A.
Recommended by	--	Tehsildar, Fazilka and Sub Divisional Magistrate, Fazilika
Land holdings	1 acre 5 kanal	2 acres 4 kanal
Other remarks	Hereditary claim	---

5.1 A perusal of the above comparison would indicate that respondent No. 4 (Jaspal Singh) has an edge over the petitioner inasmuch as that respondent No. 4 is younger in age and more educated than the petitioner and he also owns more landholding than the petitioner. Furthermore, even the name of respondent No. 4 was recommended by lower revenue officials.

6. The only argument sought to be raised by the learned counsel for the petitioner is that the educational qualification i.e. Graduation, as claimed by respondent No. 4, is not genuine and on that account, learned Divisional Commissioner has remanded the matter to learned Collector for verification of the same, however, the learned Financial Commissioner has wrongly set aside the order passed by learned Divisional Commissioner and has maintained the order passed by learned Collector, appointing respondent No. 4 as Lambardar (General Category).

6.1 The aforesaid contention raised on behalf of petitioner was considered by learned Financial Commissioner and the same was rejected by observing as under :-

*“7. I have heard the arguments advanced by both the Counsels for the parties and also perused the written arguments as well as the impugned orders of the court below. In this case, the allegation on the petitioner is that he is 12<sup>th</sup> pass not B.A. pass and the Commissioner, Ferozepur Division, Ferozepur has remanded the case to the District Collector, Fazilka to inquire whether the petitioner is 12<sup>th</sup> pass or B.A.*

*Now, the question before this Court is that whether the Punjab Land Revenue Rules, 1909 provides any specific qualification for the appointment of the lambardar or not ? In this regard the Rule 15 of the Punjab Land Revenue is relevant which provides the basic guidelines for the appointment of lambardar. The Rule 15 which is reproduced as under :-*

*“15. Matters to be considered in first appointments.- In all first appointments of headman, regard shall be had among other matters to – (a) his hereditary claims; (b) the property in the estate possessed by the candidate to secure the recovery of land revenue; (c) services rendered to the State by himself or by his family; the strength and importance of the community from which selection of a headman is to be made; (f) services rendered by himself or by his family in the national movements to secure freedom of India”*

*Thus, the Rule 15 of Punjab Land Revenue Rules, 1909 does not provide any specific qualification for the appointment of lambardar. However, it is clear from the judicial verdicts that a person should not be an illiterate. Coming to the present case, the petitioner is 30 years old and 12<sup>th</sup> pass and his name is recommended by the lower revenue authorities i.e. the Tehsildar, Fazilka and the SDM,*

*Fazilka. The District Collector, Fazilka also appointed the petitioner as lambardar of the village.*

*On the other hand, the respondent No. 2 is 40 years old and only 5<sup>th</sup> pass. The respondent No. 1 is 25 years old and 12<sup>th</sup> pass. Even if, the petitioner is presumed to be only 12<sup>th</sup> pass as alleged by the respondents, he is having an edge over the respondents in every aspect as his name was recommended by the lower revenue authorities and he is also choice of the District Collector. Thus, there is no need to inquire whether the petitioner is 12<sup>th</sup> pass or B.A. because it will put the revenue authorities busy and will waste the precious time of the administration. Although, the Commissioner, Ferozpur Division, Ferozpur has remanded the case on the limited ground but he has not assigned any reason for his disagreement with the recommendations of the lower revenue authorities. Therefore, after keeping in view the facts and circumstances of the present case, I am of the view that there is no need to remand the case to the District Collector, Fazilka for fresh decision and the order of the Commissioner is liable to be set-aside.*

*7. Resultantly, the present revision petition is accepted and the order dated 25.01.2023, passed by the Commissioner, Ferozpur Division, Ferozpur is set-aside and the order dated 24.03.2021, passed by the District Collector, Fazilka is restored.”*

6.2 A perusal of the observations made by learned Financial Commissioner would manifest that the learned Financial Commissioner did not deem it appropriate to get the matter inquired as regards the educational qualification of respondent No. 4 primarily on account of the fact that even if respondent No. 4 is not considered to be a Graduate and is taken to be only 10+2 pass, even then it will not improve the case of the petitioner as he has studied only upto class 5<sup>th</sup>.

7. During the course of the hearing of the present civil writ petition, a specific query was put to the petitioner as to whether the petitioner was disputing the qualification of respondent No. 4 as 10+2 as well, however, his response was explicit 'no'.

8. In the peculiar facts and circumstances of the case, even if respondent No. 4 is taken to have studied upto 10+2 even then he has better merits than the petitioner.

9. In this view of the matter, I find no reason to interfere in the impugned order dated 13.05.2024 (Annexure P-8), passed by learned Financial Commissioner, whereby he has maintained the order dated 24.03.2021 (Annexure P-4), passed by learned Collector, appointing respondent No. 4 as Lambardar (General Category), especially keeping in view the fact that in the matter of appointment of Lambardar, the choice of the Collector is not to be lightly interfered with even if two views are possible and unless there is any patent illegality or perversity in the same.

10. Considering the totality of circumstances, I do not find any merit in the instant civil writ petition and the same is accordingly dismissed.

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

(HARSH BUNGER)  
JUDGE

17.02.2025  
sjks

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