

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-35267-2024 (O&M)  
Date of decision :07.01.2025

KAKKA SINGH

...Petitioner

Versus

THE FINANCIAL COMMISSIONER, REVENUE,  
PUNJAB AND OTHERS

...Respondents

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

Present : Mr. Abhinav Jain, Advocate for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 27.05.2024 (Annexure P-1), passed by the learned Financial Commissioner, Revenue, Punjab; whereby the revision petition (**ROR-99-2024**) filed by the petitioner was dismissed.

2. Briefly, on demise of Sh. Jaswant Singh, previous *lambardar* of Village Kot Ise Khan, Tehsil Dharamkot, District Moga, proceedings were initiated for filling up the vacancy; wherein, eleven candidates including the petitioner applied.

2.1 The learned Naib Tehsildar, Kot Ise Khan as well as the learned Sub-Divisional Magistrate, Dharamkot recommended the candidature of respondent No.5-Satwant Singh for appointment to the afore-said vacancy and the matter was placed before the learned Collector, Moga. The learned Collector, Moga vide his order dated 28.03.2023 (Annexure P-3) appointed Satwant Singh-respondent No.5 as the *lambardar* of Village Kot Ise Khan; however, while dealing with the

candidature of petitioner-Kakka Singh, he made an observation, which when translated into English, reads as under :-

*“So far as the application of Kakka Singh is concerned that he has not been heard, in that regard, the applicant (Kakka Singh) should have raised the said issue at the relevant time. He could have approached the higher authorities with an appropriate application, which was not done by him. Even then this court has allowed him to put forth his stand. The applicant, after submitting his application, did not appear before the Tehsildar as well as the Sub-Divisional Magistrate, Dharamkot. This applicant had filed an application before the higher authorities for transfer of case, however, the higher authority has already closed such application.”*

2.2 A perusal of the afore-said observation would indicate that the petitioner-Kakka Singh, after submitting his application for the post of *lambardar*, neither appeared before the learned Tehsildar, Dharamkot nor before the learned Sub-Divisional Magistrate, Dharamkot; accordingly, his candidature was not considered.

2.3 It transpires that the order of learned Collector, Moga was challenged by way of filing four appeals i.e. by the petitioner-Kakka Singh, respondent No.4-Jaswinder Kaur, respondent No.6-Sukhdev Singh and respondent No.7-Surjit Singh; however, all the appeals were dismissed by the learned Commissioner, Ferozepur Division, Ferozepur, vide common order dated 21.12.2023 (Annexure P-2).

2.4. Against the Commissioner's order, three revision petitions were filed i.e. **ROR-05-2024** filed by Jaswinder Kaur (respondent No.4), **ROR-06-2024** filed by Surjit Singh (respondent No.7) and **ROR-99-2024** filed by Kakka Singh (petitioner). All the afore-said three revision petitions were came to be decided by the learned Financial Commissioner, vide common order dated 27.05.2024 (Annexure P-1); whereby the appeals

preferred by respondent No.4-Jaswinder Kaur and respondent No.7-Surjit Singh, were allowed and the matter was remanded to the learned Collector, for considering and deciding the allegations as regards the political affiliation of respondent No.5-Satwant Singh, who was appointed as the *lambardar* by the learned Collector, Moga. However, so far as the revision petition filed by the petitioner is concerned, the same was dismissed by observing that Kakka Singh, did not appear before the learned Collector, Moga.

2.5 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for the relief/s, as noticed here-in-above.

3. Heard.

4. In the present case, learned Financial Commissioner, observed that the petitioner had not appeared before the learned Collector, Moga; however, it is the contention of the petitioner that he had duly appeared before the learned Collector, Moga and even his presence is recorded in the order *ibid*. As far as the said contention of the petitioner is concerned, the same appears to be correct as the presence of the petitioner was recorded by the learned Collector, Moga; however, the fact remains that the petitioner, after submitting his application for appointment to the post of *lambardar*, did not appear before the learned Tehsildar or Sub-Divisional Magistrate, Dharamkot. The said fact is substantiated from Annexure P-9, which are two applications submitted by the petitioner before the learned Deputy Commissioner, Moga, stating that he has been misled by the Office of Tehsildar as well as the Sub-Divisional Magistrate, and no date of hearing was informed to him.

5. Keeping in view the above, if the petitioner had been actually misled by the office of Tehsildar and Sub Divisional Magistrate, as alleged

by him, in that eventuality, he should have immediately raised a grievance in that regard before the higher authorities. However, no such recourse was taken by petitioner. Evidently, the recommendation was made by the learned Tehsildar, Dharamkot on 02.07.2021, whereupon the matter was remitted to the learned Naib Tehsildar, Kot Ise Khan, who had again reiterated his recommendation in favour of respondent No.5-Satwant Singh on 14.12.2021 and thereafter, the learned Tehsildar, Dharamkot again made his recommendation on 03.01.2022, which was followed by the recommendation made by the learned Sub-Divisional Magistrate, on 12.01.2022. Concededly, the petitioner had raised the grievance regarding his non-hearing by the learned Tehsildar as well as learned Sub-Divisional Magistrate, Dharamkot only on 29.04.2022, which in my opinion was highly belated.

6. In view of the above, since the petitioner had failed to appear before the Revenue officers to participate in the selection process nor he had raised any grievance as alleged by him in the application dated 29.04.2022 (Annexure P-9) at the relevant time, it has to be held that the petitioner had failed to pursue his case diligently and accordingly, no fault can be found with the dismissal of the petitioner's revision petition by the learned Financial Commissioner.

7. Resultantly, the instant civil writ petition fails and the same is accordingly dismissed.

8. All pending application/s, if any, shall also stand closed.

**January 7, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

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