

2025:PHHC:081152



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

**CWP-14411-2025 (O&M)**  
**Date of decision : 08.07.2025**

SITA RAM

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present : Mr. Sukhwinder Singh Chatrath, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

Mr. Prikshit Thakur, Advocate  
for Mr. Rahul Bhargava, Advocate  
for the caveator/respondent No.5.

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

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 11.11.2024 (Annexure P-5) passed by the learned Financial Commissioner (Appeals) Punjab.

2. Briefly, upon demise of Sh. Joginder Singh, previous *lambardar* of Village Malkowal, Tehsil Garhshankar, District Hoshiarpur, proceedings were initiated for filling up the vacancy wherein, petitioner-Sita Ram and respondent No.5-Brij Mohan were also the candidates.

2.1 The Tehsildar as well as Sub-Divisional Magistrate, Garhshankar recommended the candidature of petitioner-Sita Ram for

appointment to the afore-said vacancy and placed the matter before the learned Collector, Hoshiarpur. The learned Collector, Hoshiarpur vide order dated 31.01.2019 (Annexure P-3) appointed petitioner-Sita Ram as the *lambardar* of Village Malkowal.

2.2 Feeling aggrieved against the Collector's order, respondent No.5-Brij Mohan preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which was dismissed vide order dated 31.05.2021 (Annexure P-4).

2.3 Still aggrieved, respondent No.5-Brij Mohan preferred a revision (***ROR-823-2021***) before the learned Financial Commissioner, which has been allowed vide order dated 11.11.2024 (Annexure P-5); whereby, the orders passed by the learned Collector as well as the learned Commissioner, have been set aside and the matter has been remanded to the District Collector, Hoshiarpur for deciding it afresh as per law, after hearing the parties, within a period of three months from the date of receipt of the order.

2.4 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Heard.

4. Apparently, the petitioner was appointed as the *lambardar* by the learned Collector, Hoshiarpur. An appeal filed by respondent No.5 against the Collector's order was dismissed, however, upon revision, the learned Financial Commissioner, has set aside the orders passed by the learned Collector, Hoshiarpur as well as the learned Commissioner, Jalandhar Division, Jalandhar by observing as under :-

*“6. I have heard and considered the arguments advanced by Counsel for both the parties and perused the*

*documents available on record. The District Collector, Hoshiarpur while passing the order dated 31.01.2019, did not properly examine the merits and demerits of the candidates as required under Rule 15 of the Punjab Land Revenue Rules. The eligibility of the candidates included the education, experience and service rendered to the service of state and ability to perform the duties of a Lambardar. In the present case, being an ex-serviceman with 32 years of service, the petitioner deserves preference under Rule 15(c). But the courts below did not consider the merits of the petitioner in view of the Rule 15 of the Rules, 1909. Moreover, the petitioner is younger in age than the respondent No.3 as the petitioner is 58 years old and respondent No.3 is 62 years old. As per rule a person in younger in age should be given preference. Thus, the orders passed by the courts below clearly violates the provisions of Rule 15 of the Rules, 1909 and liable to be set-aside.*

*7. Resultantly, the present revision petition is accepted and the order dated 31.05.2021 passed by the Commissioner, Jalandhar Division, Jalandhar and the order dated 31.01.2019 passed by the District Collector, Hoshiarpur are set aside. The case is remanded to the District Collector, Hoshiarpur with the directions to decide it afresh as per law after hearing both the parties within 3 months from the date of receipt of copy of this order. Copy of this order be communicated to the courts below. File be consigned to the record room.”*

4.1 A perusal of the above extracted order passed by the learned Financial Commissioner, would show that the learned Financial Commissioner, had come to the conclusion that the learned Collector, has not examined the merits and demerits of the candidates properly, as required under Rule 15 of the Punjab Land Revenue Rules. It has further been observed that respondent No.5-Brij Mohan, is an ex-serviceman with 32 years of service, which deserves preference and also that respondent

No.5 is younger in age than the petitioner, inasmuch as, that the petitioner is stated to be about 62 years of age whereas, respondent No.5 is stated to be about 58 years old.

4.2 As far as the parameters considered by the learned Financial Commissioner are concerned, I find no perversity in the same. Indeed, respondent No.5 is younger in age than the petitioner and Hon'ble the Apex Court in case of '*Mahavir Singh v. Khiali Ram and others*', 2009(1) RCR (Civil) 757, has held that the age of a candidate is a relevant factor for appointment to the post of *Lambardar*. It is also not disputed before this Court that if other merits of the candidates are equal then an ex-serviceman would deserve some preference.

5. At this stage, learned counsel for the petitioner submits that the learned Collector, has non-suited the respondent No.5 on the ground that he was in an un-authorized possession of the *panchayat* land. It is further submitted that respondent No.5 is also not the resident of Village Malkowal.

6. I have considered the afore-said two submissions as well, raised on behalf of the petitioner, however, *suffice* it to say that as regards the alleged un-authorized possession of respondent No.5 over the *panchayat* land is concerned, the petitioner has neither placed on record any eviction order passed by any competent authority nor any demarcation report has been placed on record. Further, as regards the submission that respondent No.5 is not a resident of Village Malkowal, the learned Collector, has observed in his order that the Aadhar Card and the Voter I.D Card of respondent No.5 have been prepared after the date of his filing of an application for the post of *lambardar* and accordingly, it was concluded

that respondent No.5 was not the resident of Village Malkowal, at the time of filing of his application.

6.1 As regards the afore-said contention of the petitioner is concerned, the relevant date for considering the merits/demerits of the candidates is the date when the order of appointment is passed which, in the instant case, would be 31.01.2019 passed by the learned Collector. In this regard, reference can be made to a judgment rendered by Hon'ble Supreme Court in *Inderaj v. Financial Commissioner, 1994 AIR (SC) 753*, wherein the following observation was made:-

*“8. The Financial Commissioner relying upon Rule 19-B(iii)(b) had upset the appointment of the appellant on the ground that the appellant was in debt to the Land Mortgage Bank and that it would be a serious embarrassment to him. As per the certificate produced by the appellant, he had cleared the debt on 28-6-1988 though the last date for applying to the said post was 28-12-1987. Therefore, before the date of appointment, the appellant had cleared the debt. Accordingly, the question of serious financial embarrassment due to indebtedness does not arise. The Revisional Authority had taken irrelevant factor into consideration in upsetting the appointment of the appellant. The appellate authority had considered the relative merits of the candidates and found the appellant to be more suitable. The Revisional Authority would have been circumspect in upsetting the appointment on the ground which is not relevant as on the date...”*

6.2 Even otherwise, the learned Financial Commissioner has only remanded the matter to the learned Collector, Hoshiapur for deciding it afresh where, the parties would be at liberty to raise all pleas available to them.

7. Keeping in view the above, I find no compelling reasons to interfere in the impugned order dated 11.11.2024 (Annexure P-5) passed by

the learned Financial Commissioner. Accordingly, the writ petition fails and the same is, accordingly, dismissed.

8. All pending applications (if any) shall also stand closed.

**July 08, 2025**  
gurpreet

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

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