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

**CWP-8655-2025 (O&M)
Date of Decision: 27.03.2025**

Japneet Singh

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

HARSH BUNGER, J. (Oral)

Petitioner (Japneet Singh) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 06.06.2023 (Annexure P-3) passed by the learned Commissioner, Rupnagar Division, Rupnagar as well as order dated 08.08.2024 (Annexure P-6) passed by the learned Financial Commissioner (Appeals), Punjab.

1.1 A further prayer has been made for upholding order dated 09.11.2022 (Annexure P-1) passed by the District Collector, Rupnagar, whereby the petitioner was appointed as the *lambardar* (General) of Village Gadhran Kalan, Tehsil Sri Chamkaur Sahib, District Rupnagar.

2. Briefly, on demise of Sh. Charanjit Singh, previous *lambardar*



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(General) of Village Gadhram Kalan, Tehsil Sri Chamkaur Sahib, District Rupnagar, proceedings were initiated for filling up the vacancy, wherein ten candidates (including the petitioner- Japneet Singh and respondent No.4- Randhir Singh) applied.

2.1 Tehsildar, Sri Chamkaur Sahib recommended the candidature of one Sh. Mangat Singh for appointment to the aforesaid vacancy, however, Sub Divisional Magistrate, Sri Chamkaur Sahib recommended the candidature of one Sh. Rajinder Singh for filling up the aforesaid vacancy and forwarded the matter to the District Collector, Rupnagar.

2.2 Learned District Collector, Rupnagar vide order dated 09.11.2022 (Annexure P-1) appointed petitioner- Japneet Singh as the *lambardar*.

2.3 Being dissatisfied, respondent No.4- Randhir Singh challenged the Collector's order by filing an appeal before the learned Commissioner, Rupnagar Division, Rupnagar, which came to be allowed vide order dated 06.06.2023 (Annexure P-3) and the matter was remanded to the District Collector, Rupnagar for deciding the case afresh.

2.4 Being aggrieved against the Commissioner's order, the petitioner preferred an appeal bearing ROA No.56 of 2023 before the learned Financial Commissioner, Punjab, however the same was dismissed vide order dated 08.08.2024 (Annexure P-6).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs as noticed above.

4. Heard.

5. In the instant case, the petitioner- Japneet Singh was appointed as the *lambardar* of Village Gadhram Kalan, Tehsil Sri Chamkaur Sahib, District Rupnagar by the learned Collector primarily considering his young



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age and his education (graduate); whereas respondent No.4- Randhir Singh was non-suited by the learned Collector on the ground that there were criminal cases registered against him wherein, he was also convicted.

6. The aforesaid order passed by the learned Collector was set aside by the learned Commissioner by observing as under:

“In this case, the objections which is being raised by the appellant is having merits because, as per the rules and law, the availability of the Nambardar in the village is mandatory. In this case, the Respondent who has been appointed as Nambardar, is doing the job at Multipurpose Co-operative Society Limited, village Jatana, which is quite far from village Gadhram Kalan and, therefore, his availability in the village would be very less, whereas, in comparison the appellant is having more land in the village and is also doing agricultural work and, therefore, his availability in comparison to the Respondent will be more. Regarding this, the Respondent has stated that the place where he is doing his work, is quite near to the Tehsil complex, Sri Chamkaur Sahib and he can easily come to the Tehsil complex related to the works of the people but, the work of the Nambardar is not only confined to the Tehsil complex. The availability of the Nambardar in the village is required because any Revenue Officer or any other officer whenever visits the village for the Government work, then, it is a duty of Nambardar that he shall provide the assistance but if the Nambardar of the village is working far away from the village, then, the residents of the village as well as the Government officers can face the difficulty. Therefore, the availability of the Nambardar is quite important. In this case, in comparison to the Respondent, the appellant is more suitable candidate in this case as his availability in the village is more and the Lower Court has not given any solid reasons in his order for not appointing him to this post. Apart from this, there is an allegation against the Respondent that the facts which he has submitted regarding his land holding for the Lower Court,



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the same is wrong and the job which he has procured, the same has also been procured by wrong means with the help of his father regarding which the case is pending before the Hon'ble High Court of Punjab and Haryana. Thus, such kind of person, against whom such serious kinds of allegations have been leveled earlier, it will not be correct to appoint him as Nambardar of the village. Thus, in view of the above mentioned facts, the appeal filed by the appellant is hereby accepted and the order dated 09.11.2022 passed by Deputy Commissioner-cum-District Collector, Rupnagar is hereby ordered to be set aside and this case is remanded to the Deputy Commissioner-cum-District Collector, Rupnagar with a direction that he shall decide this case afresh as per the rules and law after hearing both the parties in the light of the above mentioned facts which has been submitted by the appellant before this Court.”

7. A perusal of the above extracted observations made by the learned Commissioner would show that the Collector's choice was upset on the ground that the petitioner was working at a multipurpose co-operative society at Village Jatana, which was far from the Village Gadhram Kalan, therefore his availability to the villagers was considered to be an issue. Accordingly, the learned Commissioner after setting aside the Collector's order has remanded the matter to the learned Collector for deciding the case afresh. The said order has been further upheld by the learned Financial Commissioner.

8. Before this Court, the only argument raised by learned counsel for the petitioner is that working in a co-operative society is not a bar for being considered for the post of *lambardar*.

9. I have duly considered the submissions advanced by the learned counsel for the petitioner. Undoubtedly, employment in a co-operative society does not, by itself, disqualify a candidate from being considered for



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the post of *lambardar*. However, if the nature of such employment adversely affects the candidate's availability to the villagers in times of need, then such a candidate cannot be deemed fit for being appointed as *lambardar*.

10. In the present case, the matter has merely been remanded to the learned Collector, before whom the petitioner shall have full opportunity to establish his availability to the villagers and his ability to discharge the responsibilities attached to the office of *lambardar*.

11. It is a well-established principle that the Collector must select the most suitable candidate for the post, taking into account all relevant considerations as outlined under Rule 15 read with Rule 17, with particular emphasis on the candidate's availability to perform the duties associated with the position of *lambardar*.

12. Keeping in view the above, I find no merit in the instant writ petition, therefore the same is accordingly dismissed.

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

27.03.2025

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No