

CM-20389-CWP-2024 in/and  
CWP-4162-2023

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2025:PHHC:089342



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

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**CM-20389-CWP-2024 in/and  
CWP-4162-2023**

**Date of Decision: 21.07.2025**

Amrinder Singh

..... Petitioner

Versus

The District Collector, Fatehabad and others

..... Respondents

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

Present: Mr. Ashok Verma, Advocate  
for the petitioner.

Mr. Sanjeev Kumar, Addl. A.G., Haryana.

Mr. Mohan Jain, Senior Advocate assisted by  
Ms. Madhu Bala, Advocate,  
Ms. Divay Gupta, Advocate,  
Mr. Mrinal Dewan, Advocate and  
Mr. Vishal, Advocate  
for respondent No.5.

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**HARSH BUNGER J.**

Petitioner (Amrinder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 15.02.2023 (Annexure P-3) passed by the learned Financial Commissioner, Haryana.

2. Briefly, upon demise of Sh. Labh Singh, previous Lambardar of Village Kamana, Tehsil Ratia, District Fatehabad; proceedings for filling up the said vacancy were initiated, whereupon petitioner (Amrinder Singh) and respondent No.5 (Jagpal Singh) applied for the said vacancy.

2.1 The learned Tehsildar, Ratia recommended the candidature of

respondent No.5 (Jagpal Singh), whereas, the learned Sub Divisional Officer (Civil), Ratia recommended the name of petitioner (Amrinder Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, Fatehabad.

2.2 The learned Collector, Fatehabad, appointed petitioner (Amrinder Singh) as Lambardar of Village Kamana, vide order dated 26.03.2013 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 26.03.2013 (Annexure P-1), respondent No.5 (Jagpal Singh) and one Sh. Swaran Singh preferred two separate appeals before the learned Divisional Commissioner, Hisar, which came to be dismissed vide common order dated 14.10.2014 (Annexure P-2).

2.4 Still aggrieved, respondent No.5 (Jagpal Singh) preferred a revision petition (ROR No.83 of 2014-15) before the learned Financial Commissioner, Haryana, which was allowed vide order dated 15.02.2023 (Annexure P-3); thereby appointing respondent No.5 (Jagpal Singh) as Lambardar of Village Kamana.

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

4. Learned counsel for the petitioner submits that the learned Financial Commissioner, Haryana has erred in law and fact in passing impugned order dated 15.02.2023 (Annexure P-3) by not taking into consideration the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not be lightly interfered with, even if two views are possible. It is submitted that the petitioner is more meritorious and suitable for the appointment of Lambardar than respondent

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No.5 as he is younger in age, sufficiently educated (12<sup>th</sup> class pass), has sufficient land holding (6 Acre-4 Kanal) and his name was also recommended by the learned Sub Divisional Officer (Civil), Ratia for the post of Lambardar of Village Kamana. It is further submitted that petitioner is the grandson of previous Lambardar (Labh Singh), and therefore, he is well aware of the lambardari work. Accordingly, it is contended that petitioner was rightly appointed as Lambardar of Village Kamana by the learned Collector, Fatehabad, which is required to be maintained. Learned counsel further submits that in case the learned Financial Commissioner, Haryana was of the view that appointment of petitioner as Lambardar had been wrongly upheld by the Divisional Commissioner then he would have remanded the case to the learned Collector for fresh decision, rather than appointing respondent No.5 as Lambardar of Village Kamana.

4.1 With the aforesaid submissions, learned counsel for the petitioner has prayed for setting aside order dated 15.02.2023 (Annexure P-3) passed by the learned Financial Commissioner, Haryana and upholding order dated 26.03.2013 (Annexure P-1) passed by the learned Collector, Fatehabad, appointing petitioner as Lambardar of Village Kamana.

5. Per contra, learned senior counsel representing respondent No.5 submits that the learned Collector, Fatehabad had wrongly appointed petitioner as Lambardar, while ignoring the better merits of respondent No.5. It is submitted that respondent No.5 is more educated and also possess more land holdings than the petitioner. It is further submitted that the name of respondent No.5 was also recommended by the learned Tehsildar, Ratia for the post of Lambardar, however, the said factor was not considered by the Collector. It is further submitted that the Collector had also ignored the fact

that petitioner does not have clean antecedents as he was involved in two case FIRs, i.e. FIR No.632 dated 04.12.2013, registered under Sections 452, 323, 506, 148 & 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, at Police Station Ratia, District Fatehabad and FIR No.645 dated 12.12.2013, registered under Sections 307, 323, 341, 506, 148 & 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, at Police Station Sadar Ratia, District Fatehabad.

5.1 Learned senior counsel representing respondent No.5, while reading out the contents of case FIR No.645 dated 12.12.2013, has submitted that the role attributed to petitioner (Amrinder Singh) therein was that he had attacked the complainant with a *gandasa* and subsequently, he came to the hospital and attacked the complainant party, on account of which, the complainant suffered injuries on his forehead and other body parts, and petitioner also uprooted the drip. However, the petitioner was later on acquitted in the aforesaid case FIR, as the complainant did not support the case of prosecution.

5.2 With the aforesaid submissions, learned senior counsel representing respondent No.5 has prayed for dismissal of the instant writ petition.

6. In rebuttal, learned counsel for the petitioner has submitted that both the case FIRs, i.e. FIR No.632 dated 04.12.2013 and FIR No.645 dated 12.12.2013, were registered against the petitioner after passing of order dated 26.03.2013 (Annexure P-1) by the learned Collector, Fatehabad, and therefore, those cannot be taken to the detriment of petitioner.

7. I have heard learned counsel for the parties and perused the paper book with their able assistance.

8. It is not disputed before this Court that respondent No.5

(B.A. pass) is more educated than petitioner (12<sup>th</sup> class pass) and he also possess more land holdings than the petitioner. It is also not disputed that petitioner was involved in two criminal cases, although, he was acquitted later on.

9. It is well settled that the act and conduct of Lambardar has to be above board and considering the fact that petitioner was involved in two criminal cases, out of which, one case FIR was registered under Section 307 of the Indian Penal Code and other relevant Sections of the Arms Act, it is doubtful that villagers would repose faith in him.

9.1 A Division bench of this Court in **“Harjit Singh v. State of Punjab”, 2023(4) RCR (Civil) 408**; held that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar. The relevant extract thereof reads as under: -

*“5. The appellant has also placed on record the criminal proceedings as such in which the respondent Sahib Singh was involved, which would go on to show that he was involved in a sessions case and was tried by the Additional Sessions Judge, Kangra at Dharamshala under Sections 402, 399, 395 read with Section 34 IPC in an incident which had taken place on 11.03.1999. The allegations were that four persons had got down in front of the Commission Agent who was carrying the amount of commission from different shopkeepers and were armed with sharp edged weapons and they hijacked his vehicle alongwith cash which he had kept in his car and he had thus been robbed of Rs.9,50,000/-. It is another matter as such that eventually, the case ended in acquittal on the ground that the recovery of the currency notes could not be linked with the commission of the crime. It is also to be noticed that out of the accused persons, three of them were residents of villages falling under Police Station Sujampur, Pathankot, Punjab including Sahib Singh. The recovery was also effected of Rs.4,73,941/- and though as noticed above, the acquittal is on technical grounds as such. The Maruti car which had also been hijacked*

*on 11.03.1999 was also subsequently found abandoned without number plates in the fields. It was held by the trial Court that on account of the fact that the identification in Court by the complainant was after more than 1 year of the occurrence and since the accused were not known to him and it was only for a short time they had interacted and he had himself stated that he had not seen the faces of the unidentified persons, the Court had given benefit as such. The allegations were grossly serious and in such circumstances, merely because the District Collector did not specifically refer to them but had gone through the list of cases and kept the principle in mind as laid down by this Court, we are of the considered opinion that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar...”*

10. Although, the Collector, Fatehabad had appointed the petitioner as Lambardar, however subsequent thereto, he was found involved in two criminal cases, which fact was ignored by the Divisional Commissioner, Hisar, merely on the plea that the same were registered after the passing of Collector's order.

11. In my considered view, once the appointment of petitioner was under challenge before the Divisional Commissioner and before passing of order dated 14.10.2014 (Annexure P-2), petitioner was found involved in two criminal cases, the same were required to be considered by the Divisional Commissioner, which has apparently not been done.

12. The learned Financial Commissioner vide order dated 15.02.2023 (Annexure P-3) has appointed respondent No.5 (Jagpal Singh) as Lambardar of Village Kamana, by observing as under:-

*“6. After hearing the arguments advanced by the Learned Counsel for the parties and going through the respective written arguments submitted by them, I have come to the conclusion that the petitioner is a better candidate as compared to Amrinder Singh S/o Chatar Singh, respondent*

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*No.3, appointed as Lambardar by the Collector. The petitioner is more educated, owns more land, has motivated more Family Planning cases than the appointed candidate and he was 35 years of age at the relevant time as compared to respondent No.3 who was 25 years of age at the relevant time and thus, he was more mature than respondent No.3.*

*7. In view of the aforesaid, I accept the revision petition, set aside the order dated 26.03.2013 passed by the District Collector, Fatehabad and the order dated 14.10.2014 passed by the Commissioner, Hisar Division, Hisar and appoint the petitioner as Lambardar of Village Kamana, Tehsil Ratia, District Fatehabad. The Deputy Commissioner-cum-Collector is directed to issue Sanad Lambardari in favour of the petitioner.”*

13. Considering the totality of circumstances, I am of the considered view that when the petitioner was involved in two criminal cases, although he was acquitted later on, even then it is always desirable to appoint a person with clean image and antecedents as Lambardar. Accordingly, the learned Financial Commissioner, Haryana has rightly appointed respondent No.5 (Jagpal Singh) as Lambardar of Village Kamana, by keeping in view his better merits. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

**21.07.2025**  
*Apurva*

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

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No