

131 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-5911-2025 (O/M)  
Date of decision : 09.07.2025

Jasbir Singh ..... Petitioner

Versus

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

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sukhmeet Singh, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

CM-9443-CWP-2025

Prayer in this application filed under Section 151 CPC is for placing on record certain documents as Annexures P-13 and P-14.

For the reasons mentioned in the application, same is allowed and documents (Annexure P-13 and Annexure P-14) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-5911-2025

1. Petitioner (Jasbir Singh) has filed the instant civil writ petition under Articles 226/227 of the Constitution of India, inter alia, for issuance of a writ in the nature of certiorari for setting aside the order dated 29.07.2024 (Annexure P-5), passed by the learned Financial Commissioner (Revenue), Punjab and also order dated 07.06.2022 (Annexure P-1), passed by learned Collector, Faridkot (in short 'Collector').

2. Briefly, on demise of Shri Mukhtiar Singh, previous Lambardar of village Chet Singh Wala, Tehsil and District Faridkot, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Jasbir Singh) and respondent No. 4 (Rajinder Singh) were also the candidates.

2.1 The Naib Tehsildar as well as Tehsildar, Faridkot recommended the candidature of petitioner (Jasbir Singh) for the aforesaid vacancy, however, learned Sub Divisional Magistrate, Faridkot recommended the candidature of respondent No. 4 (Rajinder Singh) for appointment to the aforesaid vacancy and placed the matter before learned Collector.

2.2 The learned Collector, vide order dated 07.06.2022 (Annexure P-1), appointed respondent No. 4 (Rajinder Singh) as Lambardar of village Chet Singh Wala.

2.3 Feeling aggrieved against aforesaid learned Collector's order dated 07.06.2022 (Annexure P-1), petitioner (Jasbir Singh) preferred an appeal before learned Commissioner, Faridkot Division, Faridkot (in short 'Divisional Commissioner'), which came to be allowed, vide order dated 09.11.2022 (Annexure P-3), whereby learned Collector's order dated 07.06.2022 (Annexure P-1) was set aside and petitioner (Jasbir Singh) was appointed as Lambardar of village Chet Singh Wala.

2.4 Being dis-satisfied with the order dated 09.11.2022 (Annexure P-3), passed by learned Divisional Commissioner, respondent No. 4 (Rajinder Singh) preferred a revision petition (ROR-1136-2022), before learned Financial Commissioner, which came to be allowed, vide impugned order dated 29.07.2024 (Annexure P-5), whereby the matter

has been remanded to learned Divisional Commissioner to decide the matter afresh.

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

4. Heard.

5. In this case, respondent No. 4 (Rajinder Singh) was appointed as Lambardar of village Chet Singh Wala, Tehsil and District Faridkot by learned Collector, however, on an appeal being filed by petitioner (Jasbir Singh) before learned Divisional Commissioner, learned Collector's order dated 07.06.2022 (Annexure P-1) was set aside and petitioner (Jasbir Singh) was appointed as Lambardar primarily on the ground that the petitioner (Jasbir Singh) was more educated than respondent No. 4 (Rajinder Singh), who is only 5<sup>th</sup> class pass and petitioner (Jasbir Singh) had passed his Master's degree, however, on a revision petition (ROR-1136-2022) being preferred by respondent No. 4 (Rajinder Singh), learned Financial Commissioner has set aside the order dated 09.11.2022 (Annexure P-3), passed by learned Divisional Commissioner and remanded the matter back to learned Divisional Commissioner to decide the matter afresh after considering the merits and demerits of both the candidates, the relevant extract thereof reads as under :-

*“6. I have heard and considered the arguments advanced by Counsel for both the parties and also gone through the documents produced by them in support of their case. In the present case, the post of lambardar had fell vacant on the demise of previous lambardar. Consequently, a process for appointment of lambardar was initiated in which only the present petitioner and the respondent appeared before the*

*court of District Collector, Faridkot who vide order dated 07.06.2022, appointed the petitioner on the grounds that petitioner having experience of lambardari work and his name was recommended by the SDM, Faridkot for appointment. But in appeal the Commissioner, Faridkot Division, Faridkot vide order dated 09.11.2022, set-aside the order of the District Collector and directly appointed the respondent as lambardar of the village by observing that respondent is more educated. After hearing the Counsels for both the parties, I am of the view that the Divisional Commissioner has taken into consideration the only the part of educational qualification of both the candidates but the other merits and demerits of both the candidates has not been re-considered while passing impugned order. The petitioner is alleging that respondent is not resident of the village to which the lambardari pertains and he is residing at Street No. 3, Bhan Singh Colony, Faridkot. This fact requires to be examined because a person who is not a resident of village cannot be appointed as lambardar of the village. Moreover, the merits of the candidates are required to be considered in view of the provisions of Rule 15 of Punjab Land Revenue Rules, 1909.*

*7. Resultantly, the present revision petition is accepted and the order dated 09.11.2022, passed by the Commissioner, Faridkot Division, Faridkot is set-aside and the case is remanded to the Commissioner, Faridkot Division, Faridkot to decide the matter afresh after considering the overall merits and demerits of both the candidates. Copy of this order be communicated to the courts below. File be consigned to the record room.”*

5.1 A perusal of above extracted order dated 29.07.2024 (Annexure P-5), passed by learned Financial Commissioner would show that the matter has been remanded to learned Divisional Commissioner to examine whether the petitioner is a resident of village Chet Singh Wala or

not as it was claimed by respondent No. 4 that he was residing at Street No. 3, Bhan Singh Colony, Faridkot.

6. In order to counter the aforesaid reasoning given by learned Financial Commissioner, the petitioner has placed on record voter card and voter list showing his vote in village Chet Singh Wala; however, in my considered view, merely having a vote at one place cannot lead to conclusive inference that a person may also be a resident of that place. A persons may be having land in a village and also his vote, but he may be working at some far away place. It is well settled that availability of a person in the village is one of the primary requirement for appointment to the post of Lambardar, so as to carry out functions and duties enshrined upon such post. In the case of '**Gurinder Singh Versus State of Punjab and others', 2015(3) RCR (Civil) 1041**'; this Court had observed that for rendering service to the village community, the presence of the Lambardar in the village has to be ensured and in the event of non-availability, the superior qualifications of a candidate are of no consequence.

7. Considering the above, I find that the objection raised against the petitioner by respondent No. 4 as regards availability of the petitioner in the village is of prime importance, which is required to be considered and conclusively decided.

8. In the peculiar facts and circumstances of this case, I find no compelling reasons to interfere in the impugned order dated 29.07.2024 (Annexure P-5), passed by learned Financial Commissioner, whereby the matter has been remanded to learned Divisional Commissioner to

examine as to whether the petitioner is a resident of village Chet Singh Wala or not.

9. That apart, since the matter has already been placed before learned Divisional Commissioner, I deem it appropriate to direct that apart from availability of the candidate in the village, other factors as envisaged under Rule 15 of Punjab Land Revenue Rules, be also considered.

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

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

(HARSH BUNGER)  
JUDGE

09.07.2025  
sjks

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