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

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**CWP-8311-2025 (O&M)  
Date of Decision: 06.05.2025**

Kuldeep Singh

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

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

Present : Mr. Beant Singh Seemar, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

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**HARSH BUNGER, J. (Oral)**

Petitioner (Kuldeep 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 16.05.2023 (Annexure P-3) passed by the learned Commissioner, Rupnagar Division, Rupnagar and order dated 29.08.2024 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

A further prayer has been made for upholding order dated 20.04.2022 (Annexure P-1) passed by the learned Collector, SAS Nagar.

2. Briefly, on demise of Sh. Krishan Lal, previous *lambardar* (Scheduled Caste) of Village Jaraut, Tehsil Dera Bassi, District SAS Nagar, proceedings were initiated for filling up the vacancy, wherein the petitioner-

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Kuldeep Singh and respondents No.4 to 6 (Naib Singh, Anil Kumar and Jeet Kumar respectively) were the candidates.

2.1 The Tehsildar as well as the Sub Divisional Magistrate, Dera Bassi recommended the candidature of respondent No.4- Naib Singh for appointment to the aforesaid vacancy and forwarded the matter to the learned Collector, SAS Nagar.

2.2 Learned Collector, SAS Nagar vide order dated 20.04.2022 (Annexure P-1) appointed the petitioner- Kuldeep Singh as *lambardar* (Scheduled Caste) of Village Jaraut, Tehsil Dera Bassi, District SAS Nagar.

2.3 Feeling aggrieved against the Collector's order, respondent No.4- Naib Singh preferred an appeal before the learned Commissioner, Rupnagar, which came to be allowed vide order dated 16.05.2023 (Annexure P-3), whereby the Collector's order was set aside and the matter was remanded to the learned Collector, SAS Nagar for deciding afresh.

2.4 Being dissatisfied, the petitioner- Kuldeep Singh preferred an appeal before the learned Financial Commissioner, Punjab, which came to be dismissed vide order dated 29.08.2024 (Annexure P-5).

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- Kuldeep Singh was appointed as the *lambardar* (Scheduled Caste) of Village Jaraut, Tehsil Dera Bassi, District SAS Nagar by the learned Collector vide order dated 20.04.2022 (Annexure P-1), however the said order was set aside by the learned Commissioner vide order dated 16.05.2023 (Annexure P-3) and the matter has been remanded to the learned Collector by observing that the allegation raised against the petitioner as regards unauthorized possession over the

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Panchayat land is required to be verified. The learned Commissioner's order dated 16.05.2023 (Annexure P-3) has been further upheld by the learned Financial Commissioner vide order dated 29.08.2024 (Annexure P-5) by observing as under:-

*I have heard Ld. Counsel for both the parties, gone through their submissions and have perused the order of the courts below. The Collector, after assessing the merits and qualifications of the candidates, appointed the appellant as Lambardar. The objections raised by the respondent, particularly the allegations of encroachment on Gram Panchayat land and improper conduct, have been carefully examined and hold relevance in the present case. The respondent has provided evidence to show that the appellant had previously encroached upon Gram Panchayat land, and this was confirmed through ejectment orders passed against the appellant by the competent authorities, which were subsequently upheld by the High Court. Encroachment on public land by a candidate for Lambardari reflects adversely on their character and suitability for a position that demands integrity and community trust. The appellant has not presented any credible explanation to counter these findings. Such conduct, when viewed in light of the responsibilities of a Lambardar, directly undermines the suitability of the appellant for this position. The respondent has also raised allegations regarding the appellant obstructing public roads and engaging in actions that caused inconvenience to the villagers. These claims further cast doubt on the appellant eligibility for the post. While the appellant has argued that these issues are unrelated to the appointment. The character, integrity, and conduct of a candidate are critical considerations for a position like Lambardari, which involves public trust and responsibility. The respondent has also argued that he is more suitable for the position due to his active involvement in community welfare and availability to the villagers. These factors enhance the*

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*respondent credibility and demonstrate his dedication to the welfare of the community. The Commissioner, while remanding the matter, correctly took into account the allegations against the appellant and directed a re-evaluation of all the merits of the candidates. The orders of the Commissioner are justified and in accordance with the principles of natural justice. The appellant has not been able to show any substantive irregularity or illegality in the Commissioner orders that would warrant interference. The evidence on record, particularly regarding the encroachment by the appellant and his alleged conduct, supports the conclusion that the appointment made by the Collector was not in as per the revenue records which are against the appellant.*

*6. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismissed the present appeal and order dated 16.05.2023 passed by Commissioner, Rupnagar is upheld. Copy of this order be communicated to the courts below. Record of the lower court also be returned back. File be consigned to the record room.”*

6. During the course of hearing of the present petition, learned counsel for the petitioner has failed to dislodge the observations made by the learned Financial Commissioner by referring to any material whatsoever however, his only submission is that the petitioner is not in unauthorized possession of any land.

7. Keeping in view the observations made by the learned Commissioner as well as the learned Financial Commissioner, I am of the view that there is considerable basis for remanding the matter to the learned Collector for verifying the illegal encroachment over the Panchayat land by the petitioner especially considering the fact that certain ejectment orders were produced before the learned Financial Commissioner which although has not been placed on record of the present petition.

8. In view of the above, I find no merit in the instant writ petition



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and the same is accordingly dismissed.

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

**06.05.2025**

*Himani*

**(HARSH BUNGER)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No