

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No.213/2025

And

LPA No.214/2025

Reserved on: 27.09.2025

Pronounced on: 09.10.2025

Uploaded on: 09.10.2025

LPA No.213/2025

1. Man Singh, Age 62 years
S/o Hukam Chand
R/o village Roulka Tehsil Bani District Kathua
2. Bansilal, Age 62 years
S/o Devi Ditta
R/o Village Sandroon Tehsil Bani District Kathua
3. Chatter Singh, Age 61 years
S/o Sripat R/o Village Kilore Tehsil Bani District Kathua.
4. Karam Chand, Age 63 years
S/o Gunjara R/o Village Koti Tehsil Bani District Kathua.

...Appellant(s)

Through:- Mr. Jagpaal Singh, Advocate

Versus

1. Union Territory of Jammu & Kashmir through
Commissioner-cum-Secretary to the Government, Revenue
Department, Civil Secretariat, Jammu.
2. Deputy Commissioner, Kathua
3. Assistant Commissioner (Revenue), Kathua
4. Tehsildar Bani District Kathua
5. Vipin Singh S/o Sham Lal
R/o Village Roulka Tehsil Bani District Kathua
6. Rattan Chand S/o Bhagat Ram
R/o Village Sandroon Tehsil Bani District Kathua
7. Daleep Singh S/o Dev Raj
R/o Village Kilore Tehsil Bani District Kathua
8. Aftab S/o Rustam Butt
R/o Village Koti Tehsil Bani District Kathua

...Respondent(s)

LPA No.214/2025

1. Man Singh, Age 62 years
S/o Hukam Chand
R/o village Roulka Tehsil Bani District Kathua
2. Bansi Lal, Age 62 years
S/o Devi Ditta
R/o Village Sandroon Tehsil Bani District Kathua
3. Chatter Singh, Age 61 years
S/o Sripat R/o Village Kilore Tehsil Bani District Kathua.
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7. Aflatoon S/o Rustam Butt
R/o Village Koti Tehsil Bani District Kathua

...Respondent(s)

Through:-

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

JUDGMENT

Sanjeev Kumar J

1. These two *intra-Court* appeals by the appellants are directed against a common order and judgment dated 8th August, 2025 passed by the learned Single Judge of this Court [“Writ Court”] in WP(C) Nos.596/2023 titled Man Singh and others v. UT of

J&K and others and WP(C) No.3043/2023 titled Man Singh and others v. UT of J&K and others, whereby the Writ Court has dismissed both the petitions to the extent of seeking a direction to the respondents to allow the appellants to continue as Lambardars of their respective villages. However, a direction has been issued to the respondents to hold election to the post of Lambardars of the respective villages of the appellants within a period of three months from the date of receipt of copy of the judgment. The Writ Court has also directed that till election to the office of Lambardars is held, private respondents shall continue to hold the posts, however, no further extension to them beyond the period of three months shall be given.

2. Before we advert to the grounds of challenge urged by Mr. Jagpaul Singh, learned counsel for the appellants, a brief recapitulation of the factual narration leading to the filing of these appeals would be necessary.
3. The appellant No.1 was appointed as Lambardar of Village Roulka Tehsil Bani of District Kathua vide order dated 24.01.1994 issued by the Deputy Commissioner, Kathua. Appellant No.2 was appointed Lambardar for Village Sandroon Tehsil Bani of District Kathua in the year 1995. Similarly, appellant Nos. 3 and 4 were also appointed as Lambardars for villages Kilore and Koti of Tehsil Bani in the year 1990 and 01.10.2004 respectively. Tehsildar Bani of District Kathua vide

communication dated 3rd March, 2023 addressed to the Deputy Commissioner, Kathua appointed the private respondents as temporary Lambardars for the respective revenue villages in place of the appellants. Feeling aggrieved by their unceremonious exit and temporary appointment of respondent Nos. 4 to 7 (in LPA No.214/2025) as Lambardars, the appellants approached the Writ Court by way of WP(C) No.596/2023. Vide an interim order dated 10th March, 2023 passed in the aforesaid writ petition, it was provided that the appointment of private respondents for the posts of Lamberdar for Villages Roulka, Sandroon, Killore and Koti of Tehsil Bani shall not be undertaken except by election.

4. The writ petition was opposed by the official respondents in which it was for the first time disclosed that the appellants stood dismissed before making temporary appointment of the private respondents as Lambardars of their respective villages. The dismissal was challenged by the appellants by preferring another writ petition being WP(C) No. 3043/2023 titled Man Singh and others v. UT of J&K and others. Both these writ petitions were taken up together by the Writ Court and were dismissed by a common judgment dated 8th August, 2025, which is impugned before us in these Letters Patent Appeals.
5. The impugned judgment is challenged by the appellants primarily on the ground that the Writ Court has failed to

appreciate that the temporary appointment of respondent Nos. 4 to 7 as Lambardars of respective villages was made in contravention of the Jammu & Kashmir Lambardari Act, 1972 [“the Lambardari Act”] and the Rules framed thereunder. It was argued by Mr. Jagpaul Singh, learned counsel for the appellants, that the replacement of the appellants by private respondents was in contravention of Rule 14 of the J&K Lambardari Rules, 1980 [“the Lambardari Rules”] as amended upto date. It was submitted that the appellants could not have been replaced by the private respondents without holding election in terms of Rule 14 (supra). It was further argued that in a case where Lambardar is dismissed under Rule 9 of the Lambardari Rules, Tehsildar concerned has no power to make temporary appointment.

6. The judgment of the Writ Court was also attacked by the learned counsel for the appellants on the ground that the Writ Court fell in error in dismissing the writ petitions on the ground that the appellants had crossed the age of superannuation of Lambardar i.e. 60 years and, therefore, had no case to maintain the petition. He would submit that the Writ Court failed to appreciate that the appellants had been dismissed not on the ground that they had crossed the age of 60 years but on the ground that they were physically incapacitated to discharge duties of Lambardar in their respective villages.

7. Having considered the rival contentions in light of the Rule position, the Writ Court came to the conclusion that under the Lambardari Act and the Rules framed thereunder, a Lambardar has no vested right to continue indefinitely that, too, without election. It was held that in terms of Rule 16 of the Lambardari Rules, the term of office of the elected Lambadar is 5 years or till he attains the age of 60 years, whichever is earlier. The appellants, who had crossed the age of 60 years, were therefore, otherwise ineligible to continue beyond such age. Relying upon its earlier judgment rendered in Bashir Ahmed Teli v. State of J&K and others, OWP No.1809/2017/2017 along with clubbed matters, decided on 24th July, 2025, the Writ Court held the writ petitions not maintainable.
8. Having heard learned counsel for the appellants and perused the material on record, we are of the considered opinion that the appellants have no *locus standi* to challenge the appointment of private respondents on any ground whatsoever.
9. Rule 16, as amended, reads thus:-

“16. Term of Office of Lambardar:

- (1) *The term of office for which Lambardar may be elected shall be 5 years or till he attains the age of 60 years, whichever is earlier.*
- (2) *An outgoing Lambardar shall, unless the Government otherwise direct, continue in office till the election of his successor.*
- (3) *An outgoing member may, if otherwise qualified, be eligible for contesting the election.*

(4) When as a result of any enquiry held under these rules, an order declaring the election of any Lambardar void has been announced, such Lambardar shall forthwith cease to hold his office.”

10. From Rule 16 it is evident beyond any shadow of doubt that the term of office for which a Lambardar may be elected is five (5) years or till he attains the age of 60 years, whichever is earlier. It is true that the appellants were not the persons elected to the office of Lambardar, but had been appointed to the office otherwise than by holding election. In terms of Rule 14(4), where vacancy is not filled by election, the appointment to a vacant post of Lambardar can be made by the Revenue Officer not below the rank of Tehsildar for a period not exceeding six months and such appointment shall be subject to confirmation by the Collector. However, in terms of Rules 11 of the Lambardari Rules, Tehsildar is empowered to appoint a substitute in place of Lambardar placed under suspension under Rule 8 or 10, as the case may be. A substitute Lambardar may also be appointed where the incumbent Lambardar remains absent with the permission of the Tehsildar on account of his sickness or any other reason for the period exceeding six months or he is unable to perform the duties imposed upon him under the Rules. Such substitute Lambardar may also be appointed for a period not exceeding six months. It is, however, in exceptional cases period of six months can be extended with the prior approval of the

District Collector. For ready reference Rule 11 and Rule 14 are also set out herein below:

“11. Temporary appointment of a substitute and his duties.

(1) Tehsildar may appoint as substitute in place of the Lambardar placed under suspension under rule 8 or 10, as the case may be.

(2) In case a Lambardar remains, with the permission of the Tehsildar, absent by reason of sickness or any other reason for the period exceeding six months or is unable to perform the duties imposed upon him under these rules, a substitute may be appointed in his place [for a period not exceeding six months. However, in exceptional cases, the period of six months can be extended with the prior approval of District Collector].

(3) A substitute (Lambardar) appointed under the above sub rules shall be entitled to the remuneration payable or the amounts to be recovered by him during the period of suspension of a Lambardar and perform all duties mentioned in Rule 6.

14. Elections.

(1) A general election of Lambardar be held in accordance with these rules, within such time and within such areas as may be prescribed by the Revenue Minister by a Notification in the Government Gazette.

(2). Deleted.

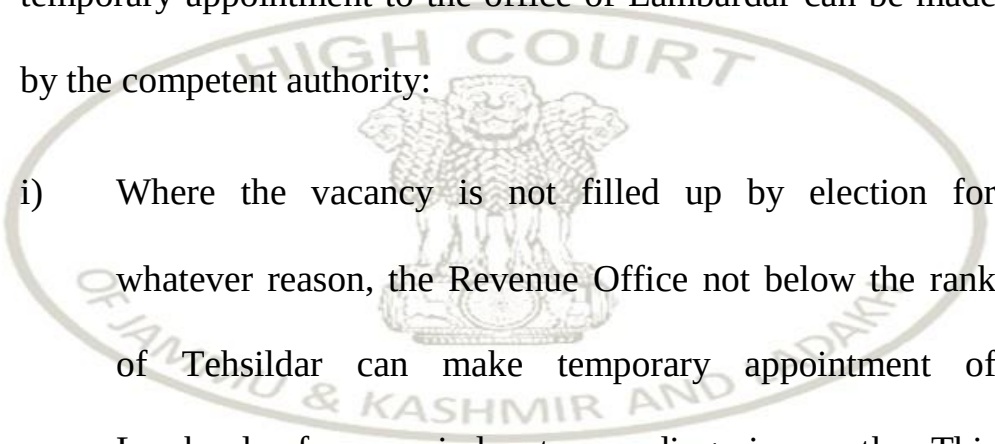
(3). Where a vacancy is ordered to be filled by election, such election shall take place in accordance with these rules and the Revenue Minister may, in respect of the vacancy so filled by selection order, that no fresh election shall take place till the next election or till the constituency again falls vacant.

(4) Subject to the provisions of Clause (a) where the vacancy is not filled by election, the appointment to a vacant post of Lambardar

shall be made by the Revenue Officer not below the rank of Tehsildar subject to confirmation by the Collector for a period not exceeding six months:

Provided that the appointee, shall possess all the qualifications prescribed in this behalf and shall not suffer from any disabilities that apply to the election of the Lambardar.”

11. The Rule position, as it exists, clearly provides that the office of Lambardar can be filled up only by way of general election to be conducted within such time within such areas as may be prescribed by the Revenue Minister by a notification in the Government Gazette. It is only in following two contingencies, temporary appointment to the office of Lambardar can be made by the competent authority:

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- i) Where the vacancy is not filled up by election for whatever reason, the Revenue Office not below the rank of Tehsildar can make temporary appointment of Lambardar for a period not exceeding six months. This temporary appointment would be subject to confirmation by the Collector.
- ii) Where incumbent Lambardar is placed under suspension under Rule 8 and 10 of the Lambardari Rules, as the case may be or remains absent with the permission of the Tehsildar on account of sickness or any other reason for a period exceeding six months or is unable to perform the duties imposed upon him under the Rules, a substitute Lambardar may be appointed in his place for a period not

exceeding six months. However, in exceptional cases, period of six months can be extended by Tehsildar concerned with prior approval of the District Collector.

12. In the instant case, the appellants were dismissed from their office as Lambardars as they were found unfit to discharge their duties as per the requirement of their job owing to physical incapacity. True it is that the order of dismissal of the appellants as Lambardars of their respective villages was without affording an opportunity of being heard to them, however, having regard to the fact that the appellants have crossed the age of 60 years, they are not eligible to hold the post of Lambardar whether by election or otherwise.

13. The term of office to which a Lambardar may be elected is maximum five years or till he attains the age of sixty years, whichever is earlier. If a regularly appointed Lambardar by election cannot hold office beyond the age of sixty years, by way of necessary corollary, it has to be held that a temporary Lambardar or substitute Lambardar appointed under the Lambardari Rules for a limited duration also cannot continue beyond sixty years. Although, the order of dismissal of the appellants appears to be stigmatic on the face of it, yet on a careful perusal we find that the appellants were dismissed from the office for the reasons that they were rendered unfit to discharge the duties owing to physical incapacity.

14. Obviously, physical incapacity to perform the duties of Lambardar was because of their advanced age. The Writ Court has taken all these aspects into consideration and has held the challenge to deletion of Sub Rule (5) of Rule 16 of the Lambardari Rules untenable in law. At this stage, we would like to set out un-amended Rule 16 of the Lambardari Rules herein below:

“16. **Term of office of Lambardar.**---(1) The term of office for which Lambardar shall be elected shall not ordinarily exceed five years.

(2) An outgoing Lambardar shall, unless the Government otherwise direct, continue in office until the election of his successor is announced.

(3) An outgoing member may, if otherwise qualified, be re-elected.

(4) When as a result of any enquiry held under these rules an order declaring the election of any Lambardar void has been announced, such Lambardar shall forthwith cease to hold his office.

(5) When a Lambardar is appointed otherwise than by election he shall continue till he dies or is dismissed/discharged or till the general election of Lambardars is held.”

15. Sub Rule (5) of Rule 16, which now stands deleted after amendment, provided that when a Lambardar is appointed otherwise than by election, he would continue till he died or was dismissed or discharged or till the general election of the Lambardars was held. The aforesaid rule was enacted keeping in view that there would be timely election to fill up the office of Lambardars in the villages. It is, however, everybody's

knowledge that such elections have not been held for the last so many decades and the temporary Lambardars appointed as a stopgap arrangement have been continuing, though, as per the mandate of the Rules, they could have been appointed only for a maximum period of six months. It is in view of these circumstances and probably regard being had to the fact that general election to the office of Lambardars has not be held for long, Clause (5) of Rule 16 of the Lambardari Rules was deleted.

16. The amended Rules, as now exist, provide that the term of office for which Lambardar may be elected shall be only five years or till he attains the age of 60 years, whichever is earlier, making the intention manifestly clear that there would be general election to the office after every five years and that a person beyond the age of sixty years will not be permitted to function as Lambardar.
17. Rule 17 of the Lambardari Rules, to which reference was made by Mr. Jagpaul Singh, learned counsel for the appellants, refers to filling up casual vacancies that may occur due to death, resignation, removal or by vacation of seat of Lambardar under the provisions of Sub-Clause(4) of Rule 16, by election in accordance with the rules. The Divisional Commissioner is, however, empowered to fill up such vacancy by nomination of a person, if it has occurred not more than six months before the next general elections are due. The rule further emphasizes that

such casual vacancy would be filled up only by a person, who is, otherwise, qualified for appointment as Lambardar under the rules.

18. In the case on hand, the appellants were only temporary Lambardars appointed under Rule 11 and would have continued only for a period of six months or for such extended period as may be ordered by the Tehsildar concerned with the prior approval of the District Collector. Continuation beyond the period of six months was to be ordered only in exceptional cases. The appellants remained in office for a pretty long time riding on the Rule 16(5) (un-amended) and also taking the benefit of inability of the official respondents to hold general elections to the office of Lambardars. They crossed the age of sixty years and because of their old age, were found unable to perform the duties of the office of Lambardar. It is in these circumstances, Tehsildar concerned dismissed them from service and made the temporary appointments. The Writ Court has taken note of the inordinate delay on the part of the official respondents to conduct general elections and as, thus, issued requisite directions for conducting the election in a time bound manner.

19. For all these reasons coupled with the elaborate reasons given by the Writ Court in the judgment impugned as also in the judgment rendered in the case of *Bashir Ahmed Teli* (supra), we find no good ground to interfere with the judgment impugned. Both the

appeals are found devoid of any merit and are, accordingly,
dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
09.10.2025
Vinod,PS

Whether the order is speaking : Yes
Whether the order is reportable: Yes

