



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13041-2025 (O&M)
Date of Decision: 02.07.2025

BIKAR SINGH
...Petitioner

Versus

FINANCIAL COMMISSIONER (APPEALS) PUNJAB,
CHANDIGARH AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

Mr. Sunny K. Singla, Advocate
for respondent No.4.

HARSH BUNGER, J. (ORAL)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the orders dated 24.07.2019 (Annexure P-2) and 25.07.2024 (Annexure P-5).

2. Briefly, on demise of Sh. Jaswant Singh, previous *lambardar* of Village Rajindergarh, Tehsil and District Fatehgarh Sahib, proceedings were initiated for filling up the vacancy, wherein, petitioner-Bikar Singh and respondent No.4-Sajjan Singh were also the candidates.

2.1 Upon verification of the antecedents of the candidates, it was reported that as far as respondent No.4-Sajjan Singh is concerned, there was an FIR No.119 dated 01.12.1985 registered under Sections 307, 326, 325 read with Section 34 of the Indian Penal Code, at Police Station Mulepur and another FIR No.70 dated 13.10.2003 under Sections 324 and 323 read with Section 34 of the Indian Penal Code, registered at Police Station Mulepur. However, respondent No.4 was stated to have been acquitted in the afore-said case FIRs by the concerned Courts vide order dated 07.09.1987 and 02.04.2005, respectively.

2.2 The learned Assistant Collector IInd Grade, recommended the candidature of petitioner-Bikar Singh and the learned Assistant Collector Ist Grade, Fatehgarh Sahib, recommended the candidature of respondent No.4-Sajjan Singh and forwarded the matter to learned Collector.

2.3 It transpires that respondent No.4-Sajjan Singh did not appear before the learned Collector. The learned Collector, however, considered the merits/de-merits of the candidates and appointed petitioner-Bikar Singh as the *lambardar* of Village Rajindergarh, vide his order dated 22.05.2017 (Annexure P-1), by observing as under :-

“After hearing the arguments of the counsel for candidate Bikar Singh and after carefully perusing the record on the file, I have come to the conclusion that candidate Bikar Singh is permanent resident of Village Rajindergarh. He is BA passed and has done course of Computer Hardware. He has 24 Kanal 15 Marla agriculture land. He is social worker and actively participates in the common works of the village. He does not participate in any party. Majority of the village is happy, in making him Lambardar of the village. Assistant Collector 2nd Grade, Fatehgarh Sahib has also recommended his name. Other candidate Sajjan Singh has not come present

in the court, from which it seems that he is not interested in this case. As per the record on the file, he is 61 years of age and less qualified than the other candidate. Apart from this, two FIRs have also been registered against him. Although the court has acquitted him in those FIRs but from the same, his character is clear. Therefore, I while considering the candidate Bikar Singh s/o Rachhapal Singh, better in every aspect, than the other candidate Sajjan Singh, appoint him as Lambardar of village Rajindergarh, Hadbast No.262, Tehsil and District Fatehgarh Sahib, of General Category, on the post, which has fallen vacant due to the death of Jaswant Singh Lambardar (General Category) s/o Inder Singh village Rajindergarh, on 11-01-2016. Land of Lambardar Bikar Singh will remain with the government for the security of land revenue. Order pronounced. After compliance, file be consigned to the record room.”

2.4 Feeling aggrieved against the Collector’s order, respondent No.4-Sajjan Singh preferred an appeal before the learned Commissioner, Patiala Division, Patiala who vide his order dated 24.07.2019 (Annexure P-2) set aside the Collector’s order and remanded the matter to the learned Collector, for deciding the case afresh.

2.5 Being aggrieved, the petitioner preferred an appeal (**ROA-56-2019**) before the learned Financial Commissioner (Revenue), Punjab, which was dismissed vide order dated 25.07.2024 (Annexure P-5).

2.6 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Heard.

4. In the present case, the petitioner-Bikar Singh was appointed as the *lambardar* of Village Rajindergarh by the learned Collector, however, on an appeal being filed by respondent No.5-Sajjan Singh, the Collector’s order

has been set aside and the matter has been remanded to the learned Collector, for deciding the matter afresh by observing as under :-

“7. I have given my due consideration to the submissions made by the two counsels and have also gone into the record of the case closely. In my considered opinion, the decision of worthy Financial Commissioner, Punjab, rendered in Kuldeep Singh v/s Sarabjit Singh’s case 1997(4) RCR(Civil) 46 is applicable in this case. The law expects, that the candidate for the post of Lambardar should preferably belong to the ‘Patti’ of the village to which the Lambardari belongs to. Whereas, in the present case the Collector had chosen a person as Lambardar who does not belong to the ‘Patti’. Moreover the appellant having served in the armed force is a dedicated and disciplined person even after retirement. The decision rendered by worthy Financial Commissioner rendered in the case cited as 1998(4) R.C.R. (Civil) 313 is also applicable in this case. As far as the issue of registration of two FIRs against the appellant and his subsequent acquittal by the Punjab and Haryana High Court, I am guided by the case law 1997(1) R.C.R. (Civil) 49 FC Punjab wherein it was laid down that no stigma remains after the acquittal.

8. In view of the above, I find that order in appeal passed by the Collector cannot be sustained as it overlooked some significant facts. The appeal is accepted and the case is remanded to the Collector to re-decide the case afresh.”

4.1 A perusal of the above-extracted observations made by the learned Commissioner, would suggest that the learned Commissioner was under the impression that the *lambardari* in question, belongs to ‘Patti Chunni’ and not that of village Rajindergarh. He further observed that although, respondent No.4-Sajjan Singh was involved in criminal cases, however, he was acquitted; therefore, there was no stigma after his acquittal.

The learned Commissioner's order has been further affirmed by the learned Financial Commissioner.

5. During the course of hearing of this case on 08.05.2025, learned State counsel was directed to clarify as to whether the *lambardari* in question, belongs to "Patti Chunni" or that of village Rajindergarh.

5.1 On 22.05.2025, learned State counsel had informed this Court that the *lambardari* in question belongs to village Rajindergarh and not to Patti Chunni.

5.2 Sh. Navdeep Jain, Advocate had appeared on behalf of respondent No.4 and has addressed the arguments on the merits of the case.

6. Upon consideration of the matter and also the statement made by learned State counsel that the *lambardari* in question, belongs to village Rajindergarh and not to Patti Chunni, I am of the considered view that the learned Commissioner, had erred in law and fact in setting aside the Collector's order; whereby, the petitioner was appointed as the *lambardar*.

6.1 It is well settled law that in the matter of appointment of *lambardar*, the choice of the learned Collector is not to be likely interfered with, even if two views are possible, unless there is any patent illegality or perversity therein, as has been held by a Division Bench of this Court in the case of ***Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273.***

6.2 Further, respondent No.4 was found to be involved in two FIRs, one of which was registered under Sections 307 and 326 IPC. Although, respondent No.4 has been acquitted in the said FIRs, however, when a person with clean antecedents is available, then a person having history of criminal cases, should be avoided. 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 Sujanpur, 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...”

6.3 That apart, upon consideration of the comparative merits of the candidates as well, I am of the considered view that the petitioner herein is younger in age than respondent No.4. Even in terms of the educational qualification, the petitioner had studied upto B.A. and had done post graduate diploma in computer applications, whereas respondent No.4 had studied only upto B.A. Part I. Further, the petitioner has more land holdings (**24 kanals-15 marlas**) than respondent No.4, who is stated to be owning only **9 kanals-14 marlas** of land.

7. Considering the totality of circumstances, I find that that the learned Collector, had rightly appointed the petitioner as the *lambardar* of Village Rajindergarh; however, the same was wrongly set aside by the learned Commissioner. Even the learned Financial Commissioner had erred in not appreciating the comparative merits of the candidates and also the settled law. Consequently, the impugned orders passed by the learned Commissioner as well as the learned Financial Commissioner are set aside and the order passed by the learned Collector, appointing the petitioner as the *lambardar*, is hereby maintained.

8. The writ petition is allowed in the afore-stated terms.

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

July 02, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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