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

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Date of decision : 16.07.2026

Gurpartap Singh

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vikas Singh, Sr. Advocate with
Ms. Anamika Sheoran, Advocate
for the petitioner.

Mr. Pankaj Mulwani, Sr. DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 Challenge in the present petition is to the order dated 02.12.2014 (Annexure P-3) passed by Financial Commissioner, Haryana, whereby on revision filed by respondent No.3, order passed by Collector Kaithal dated 01.05.2012 (Annexure P-1) and that by Commissioner dated 14.05.2013 (Annexure P-2) were set aside and the matter was remanded back to the Collector, Kaithal to start fresh proceedings for appointment of Lambardar of village Lalpur, Tehsil Guhla, District Kaithal.

2 As per the facts discernible from the record, a report was made by Naib Tehsildar Guhla on 07.08.2007 to Sub Divisional Officer, Guhla to

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appoint Bhagwant Singh as general category candidate in place of deceased Rajwant Singh. Sub Divisional Officer, Guhla vide order dated 23.10.2007, remanded the case back to Naib Tehsildar to give opportunity to all the candidates and thereafter make fresh recommendation. Again, on 15.04.2010, Naib Tehsildar recommended name of Bhagwant Singh for the appointment of Lambardar. Sub Divisional Officer, Guhla again vide order dated 06.10.2011 rejected the recommendation and ordered that fresh *munadi* be conducted. Pursuant to the fresh munadi, four candidates applied including the present petitioner and respondent No.3. Assistant Collector 2nd Grade recommended name of the present petitioner. Recommendation was endorsed by Sub Divisional Officer. However, the matter was again remanded back vide order dated 26.07.2011 for deciding afresh after considering respondent No.3.

3 Again, the name of the petitioner was recommended vide order dated 20.09.2011. Accepting the recommendation Collector vide order dated 01.05.2012 appointed Gurpratap Singh, the present petitioner as Lambardar.

4 Aggrieved respondent No.3 preferred appeal. Commissioner vide order dated 14.05.2013 dismissed the appeal preferred by respondent No.3. Dissatisfied, respondent No.3 approached Financial Commissioner by way of revision under Section 16 of the Punjab Land and Revenue Act, 1887. Financial Commissioner vide impugned order framed the following four issues for consideration :-

“i. Whether Naib Tehsildar-cum-Assistant Collector 2nd Grade and SDO (Civil)-cum-Assistant Collector 1st Grade, are competent to order fresh proclamation for inviting applications for the appointment of lambardar?



ii. Whether the orders dated 14.05.2013 and 01.05.2012 passed by the Ld. Commissioner, Ambala Division, Ambala and Ld. Collector, in accordance with the law? Kaithal respectively, are

iii. Whether the parameters prescribed in the Punjab Land Revenue Rules 1909 as amended in 2008 have been examined by Ld. Collector before taking a decision in the matter of appointment of Lambardar?

iv. Whether the choice of Collector in appointing Lambardar can be interfered with?”

5 Issue No.1 was decided holding that the proclamation at the level of Naib Tehsildar is not legally permissible. In the considered opinion of this Court, the said issue never arose before Financial Commissioner, as no party was aggrieved of fresh proclamation. While deciding issue No.2, the Financial Commissioner was swayed away by hereditary claim of respondent No.3. This finding also cannot be sustained in view of ratio of law laid down by Division Bench in ***Karnail Singh Vs. The State of Haryana & ors., 1973 SCC Online P&H 187*** observing as under :-

“(4) It may appear obvious that Rule 15 (supra) applies only at the time of all first appointments of village Headman or Lambardars. Clauses (e) and (f) laying down two further criteria for consideration in the matter of selection of an incumbent to this office were added afterwards in the years 1945 and 1954, respectively. The paragraph under the clauses was added by the Government of Punjab (India) on 14th July, 1954. The last two sentences in this paragraph may seem to lay further emphasis on



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heredity or family connections. The criteria mentioned in the various clauses of rule 15 can be taken into consideration under sub-rule (i) of rule 17 where a successor to the office of village headman has to be selected in an estate, or sub-division thereof, owned chiefly or in its entirety by the Government. In all other estates or villages or their sub-divisions, the successor has to be appointed under sub-rule (ii) of rule 17 and the criteria mentioned in rule 15 do not seem to come in. The sub-rule on the other hand says that the successor shall be appointed by the rule of primogeniture unless some special social custom of succession is proved. In such exceptional circumstances also, the appointment is to be confined to a collateral of the fourth or nearer degree. In making the appointment of respondent No. 4 in Civil Writ No. 1048 of 1967 and the other private respondents in Civil Writ Nos. 666 and 696 of 1970, rule 17 (ii) has been invoked and the person appointed is either the son or the grandson of the deceased lambardar. The claim of heredity may appear to have prevailed as against all other considerations. It is true that some additional qualifications of the heir appointed have also been mentioned at places but there has been no judging of the claims of the rival candidates by making a comparison of their respective qualifications. The main consideration that may appear to have prevailed is that the person selected was connected by ties of blood or heredity with the last incumbent. Shri Naubat Singh, the learned District Attorney for the State of Haryana, has argued that in actual practice other qualifications are also taken into consideration and the appointments are not made in all cases on the grounds only of heredity. Practice apart, rule 17 (ii) may seem to attach too much importance to the claim of heredity and the selection of the successor is sought to. be confined to a male lineal descendant or the nearest collateral. Rule 17(ii) may seem to make discrimination or distinction on the ground of heredity or*



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*family connections. This rule may, therefore, appear to be violative of the fundamental rights guaranteed by Articles 14, 15 and 16 of the Constitution of India. Reference could in this connection be made to the Supreme Court rulings in **Gazula Dasaratha Rama Rao v. State of Andhra Pradesh and others, AIR 1961 Supreme Court 564**, and **The State of Assam and others v. Kanak Chandra Dutta, AIR 1967 Supreme Court 884**. Shri Naubat Singh has cited before us a Division Bench ruling of the Madras High Court in **Rishikesavan Naidu v. S. Srinivasa Reddiar, AIR 1965 Madras 178**, but the facts in that case were altogether different. The person who had been selected to the hereditary office in that case had no other rival in the field. He would have been selected unopposed independently of his family connections with the deceased. It was under these circumstances that it was held that heredity was no disqualification 'for being selected to a particular post or appointment.*

(5) For reasons given above, we declare sub-rule (ii) of Land Revenue Rule 17 to be ultra vires and unconstitutional. The appointments under this sub-rule of respondent No. 4 in Civil Writ) No. 1048 of 1967, respondent No. 3 in Civil Writ No. 696 of 1970 and respondent No. 4 in Civil Writ No. 666 of 1970 is quashed and the State Government is directed to make fresh appointments after considering the claims of all the contesting candidates.”

6 The same view stands reiterated in a subsequent Division Bench in **Bhag Singh Vs. Financial Commissioner (Revenue) Haryana 2001 (1) RCR (Civil) 9** observing as under :-

“5. It is true that the office of Lambardar is not a hereditary office. The son of Lambardar shall not be automatically



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appointed, to the office. However, a perusal of Rule 15 of the Punjab Land Revenue Rules shows that amongst various matters, which can be taken into consideration by the competent authority, the hereditary claim is also one of the considerations. Since the petitioner and the fifth respondent were equally placed, the Authority chose to lean in favour of the respondent, on the basis of a consideration which was permitted by Rule 15 of the aforesaid rules. In doing so, it did not act illegally or unfairly. No other point has been raised.”

7 The issue No.3 relates to evaluation of comparative merit of the candidates by the Collector in terms of Rule 15 and Rule 17 of the Punjab Land Revenue Rules, 1909. In the considered opinion of this Court, the finding recorded by the Financial Commissioner is against the record, as the Collector while appointing the present petitioner vide order dated 01.05.2012 observed as under :-

“After comparing the inter-se merits and demerits of the candidate, I have reached the conclusion that, Gurpartap Singh candidate is proved to be more qualified for the Office of Lamberdar, because this candidate is 27 years old and is a youngman and is 10th pass and owns agricultural land in his own name and his character is good according to the police report. This candidate is recommended by the respectable persons of the village, Naib Tehsildar and Sub Divisional (N) Guhla, for appointment of Lamberdar in place of the deceased Lamberdar. Whereas Gurcharan Singh candidate is aged 45 years and is only 7th class pass. Mehar Singh candidate is aged 49 years and is only 7th Class pass. So far as the hereditary claim of this candidate is concerned, there is no force in that, because the death of his father Lamberdar Bhagwant Singh has occurred on



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29.5.1992, whereas the application for appointment in his place was submitted on 11.5.2006, which shows itself that he was not interested for appointment of Lamberdar. Therefore, I appoint Gurpartap Singh son of Bhagwant Singh as Lamberdar of Village Lalpur in place of the deceased Lamberdar Rajwant Singh.”

8 In view of above, this Court finds that the impugned order passed by Financial Commissioner, Haryana cannot be sustained and is hereby set aside. During the pendency of the present writ petition, the respondent No.3 has unfortunately passed away. The aforesaid fact has been informed by Mr. Vikas Singh, Sr. Advocate on instructions from Ms. Anamika Sheoran, Advocate. Since his appointment vide order dated 01.05.2012, the petitioner is continuously working as Lambardar without there being any complaint.

9 In view of above, this Court finds that the present writ petition merits acceptance. The impugned order passed by Financial Commissioner 02.12.2014 is ordered to be set aside.

10 Writ petition is allowed.

11 Pending miscellaneous application, if any, also stands disposed off.

16.07.2026
Pooja Sharma-I

Whether speaking/reasoned:

Whether reportable:

(PANKAJ JAIN)
JUDGE

Yes/No

Yes/No