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

CWP-22357-2023

Date of decision : 27.07.2026

GUNJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ritesh Aggarwal, Advocate for the petitioner.

Mr. Amtiaz S. Sandhu, AAG, Punjab.

Mr. S.S. Gill, Advocate for respondent No.5.

PANKAJ JAIN, J. (ORAL)

Present writ petition is directed against order dated 29.09.2022 (Annexure P-6) passed by respondent No.2 whereby Financial Commissioner has set aside the order appointing the petitioner as *Lambardar* and has remanded the matter to be decided afresh by District Collector, Patiala.

2. The process of appointing *Lambardar* for village Fatehpur, Tehsil Nabha, District Patiala was initiated after Acchar Singh, *Lambardar* of the village passed away. After receiving applications, Assistant Collector Grade-I, Nabha recommended respondent No.5 to be appointed as *Lambardar* primarily being swayed away by the fact that he was son of



former *Lambardar*. On the other hand, Assistant Collector Grade-II recommended name of the present petitioner.

2.1. Evaluating the comparative merit of the two candidates, the District Collector, Patiala vide order dated 21.03.2012 appointed the present petitioner as *Lambardar*.

2.2. Order dated 21.03.2012 appointing the petitioner as *Lambardar* was challenged in appeal by respondent No.5. Divisional Commissioner vide order dated 18.02.2014 dismissed the appeal.

2.3. Still aggrieved, respondent No.5 preferred revision petition.

2.4. Financial Commissioner vide impugned order accepted the revision filed by respondent No.5. The order passed by District Collector appointing the petitioner as *Lambardar* has been set aside and the matter has been remanded back to be decided afresh after evaluating the comparative merit of the candidates.

2.5. Financial Commissioner while doing so, has relied upon hereditary claim of respondent No.5.

3. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that the order passed by Financial Commissioner, dated 29.09.2022, cannot be sustained. The comparative merit of the petitioner as well as respondent No.5 was noticed by the District Collector, observing as under:

“xx Gunjit Singh was graduate of 42 years. He had been Sarpanch of the G.P. of the village, Member of the Market Committee,



Bhadson and President of Co-operative Agricultural Services Society and as such he was having good influence in the village. On the other hand Sinder Singh had read upto 9th class. He had worked as Sarbrah Lambardar of his father Achhar Singh-deceased lambardar. Considering Gunjit Singh to be a better candidate in comparison to Sinder Singh he vide report dated 4.7.2011 recommended the name of Gunjit Singh for the office of Lambardar. His report was endorsed by the Assistant Collector IInd Grade (Tehsildar), Nabha. The Assistant Collector Ist Grade (S.D.M.) Nabha after hearing the counsel for both the candidates and going through the records on the file as also perusing the reports/recommendations of the revenue officers below came to the conclusion that both the candidates were reported to be of good character. Gunjit Singh candidate was more educated than Sinder Singh. Sinder Singh candidate being the son of the deceased lambardar Acchar Singh had hereditary claim to the lambardari of the village. Having worked as Sarpanch lambardar of his father Acchar Singh-deceased Lambardar he had acquired experience of the job. Sinder Singh was educated having read upto 9th class.

4. The issue w.r.t. hereditary claim of son of a deceased *Lambardar* has already been dealt by the Division Bench of this Court in **‘Karnail Singh vs. State of Haryana etc.’, 1973 RLR 727**, observing as under:

“xxx	xxx	xxx
Land Revenue Rule 17. - (i) In an estate, or sub-division thereof, owned chiefly or altogether by Government, a successor to the office of Headman shall be selected with due regard to all the considerations, other than hereditary claims stated in Rule 15 :		



Provided that in such an estate, or sub-division thereof notified for the purpose by the Financial Commissioner, the selection shall, as far as possible, be made in the manner prescribed by sub-rule (ii) if a suitable heir is forthcoming.

(ii) In other estates the nearest eligible heir according to the rule of primogeniture shall be appointed unless some social custom of succession to the office by distinctly proved but subject in every case to the following provisions :-

(a) The claim of a collateral relation of the last incumbent to succeed shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant in the male line of paternal great-grand-father of the last incumbent.

(b) Where a Headman has been dismissed in accordance with the provisions of Rule 16, the Collector may refuse to appoint any of his heirs :-

(1) If the circumstances of the offence, dereliction of duty, or disqualification, for which the Headman was dismissed, make it probable that he would be unsuitable as Headman;

(2) if there is reason to believe that he has connived at the offence or dereliction of duty for which the Headman has been dismissed;

(3) if any disqualification for which the Headman has been dismissed attaches to him;

(4) if he may reasonably be supposed to be under the influence of the dismissed Headman or his family to an undesirable extent.

If a dismissed Headman's heir is considered fit to succeed, regard shall be had to the property which he will inherit, in like manner as if he had already inherited it.

(c) The Collector may also refuse to appoint a person claiming as an heir on any ground which would necessitate



or justify the dismissal of that person from the office of Headman.

(d) A female is not ordinarily eligible for the office, but may be appointed when she is the sole owner of the estate for which the appointment has to be made, or, for special reasons, in other cases.

(iii) Failing the appointment of an heir, a successor to the office shall be appointed in the manner, and with regard to the considerations, described in Rule 15.

(iv) * * * *".

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 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 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 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 Divisional 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 un-opposed independently of his family connections that heredity was no disqualification for being selected to a particular post or appointment.

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5. That apart, trite it is that the choice of District Collector need not be interfered until and unless the same is found to be perverse. Reference can be made to the following observations made by Division Bench of this Court in '**Inder Singh vs. Financial Commissioner Haryana and others**' - **LPA No.29 of 2015** *decided on* 12.01.2015:

“6. Though, it is a settled principle that the choice of collector should not be interfered with in normal circumstances. When two views are possible then the choice of the collector should not have been interfered unless and until the same is found to be perverse or having suffered with extraneous consideration or the result of misreading of material evidence. The Appellate Court in normal circumstances cannot be allowed to substitute its own perception as to merits of the candidate when two views are possible before the Collector and the Collector in its wisdom and discretion has taken view in favour of one of the candidates. In such an eventuality, the choice of the Collector is not supposed to be questioned by the Appellate Authority. In the present case, the authority exercised by the Collector is proved to be on wrong information. In terms of the merits, the candidature of respondent No.4 was on superior note and also in terms of its qualification. The candidature of the appellant could not come out from the cloud of suspicion having involved in a criminal case under Section 379 IPC for which matter is under consideration before the Appellate Court.”

6. In view of above, this Court finds that merely for the reason that the father of respondent No.5 worked as *Lambardar*, merit of the petitioner cannot be ignored. Financial Commissioner ought not have



interfered in the choice made by District Collector in the absence of any perversity.

7. Resultantly, this Court finds that the present writ petition merits acceptance. The same is accordingly, allowed. Impugned order dated 29.09.2022 passed by respondent No.2, is hereby set aside.

8. Needless to mention here that concededly since the date of appointment i.e., 21.03.2012, the present petitioner is working as *Lambardar* of the village Fatehpur, Tehsil Nabha, District Patiala and there is no complaint against his work.

July 27, 2026
Dpr

(Pankaj Jain)
Judge

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