

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19877-2017

Reserved on: August 31, 2023

Pronounced on: September 11, 2023

Balwinder Singh

.....Petitioner

Versus

Financial Commissioner, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sherry K.Singla, Advocate
for the petitioner.

Mr.Arun William, AAG, Punjab.

Mr.S.S.Sidhu, Advocate
for respondent No.4.

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RAJESH BHARDWAJ, J.

Petitioner has approached this Court praying for quashing of impugned order dated 23.02.2017 passed by respondent No.1, Annexure P-6, order dated 09.03.2016, passed by respondent No.2, Annexure P-4, and order dated 21.09.2011, passed by respondent No.3, Annexure P-3, vide which respondent No.4 has been appointed as Lambardar of village Bhura Karim Pura, Tehsil Patti, District Tarn Taran in violation of the law laid down by this Court in case **Ranjit Singh vs Financial Commissioner and others** 2015(3) RCR Civil 758 and thus, the impugned orders are liable to be set aside being illegal, arbitrary and contrary to the mandate of law laid down by this Court in the Lambardari cases. It is further prayed that operation and implementation of impugned orders, dated 23.02.2017, 09.03.2016 and 21.09.2011, Annexures P-6, P-4 and P-3, respectively may be stayed during pendency of the writ petition.

Adumbrated facts of the case are that on the death of earlier Lambardar Kartar Singh, the process for appointment of Lambardar of village Bhura Karim Pura, Tehsil Patti, District Tarn Taran was initiated. *Munadi* was conducted and in pursuance to the same, three candidates submitted their applications, details of which are as under:

Sr.No.	Name of candidate for Lambardar	Ownership of the land	Education	Age	Character
1.	Balwinder Singh s/o Charan Singh	16K-13M	Matric	36 years	Ok
2.	Balkar Singh s/o Dalip Singh	13K-15M	9 th	55 years	Ok
3.	Gurcharan Singh s/o Joginder Singh	66K-1M	No proof has been submitted regarding the education	65 years	Ok

On comparing the inter se merits, learned Collector, Tarn Taran, appointed respondent No.4-Gurcharan Singh as Lambardar, Patti Rupa of Village Bhura Karim Pura against the vacant post vide its order dated 21.09.2011. Aggrieved by the same, the petitioner filed an appeal before the Commissioner, Jalandhar Division, Jalandhar, who rejected the appeal, after hearing both the sides, vide order dated 09.03.2016. Being aggrieved, the petitioner filed revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before the learned Financial Commissioner, however, learned Financial Commissioner, finding no infirmity in the same, dismissed the same vide impugned order dated 23.02.2017.

Counsel for the petitioner has vehemently contended that as per character verification, the petitioner was found to be 36 years of age and matriculate by qualification. Besides this, he owns 16K-13M of land whereas respondent No.4-Gurcharan Singh was 65 years of age and was

illiterate. Besides this he owns 66k-1m of land. It is submitted that it is obvious that the petitioner was younger in age and was qualified as well whereas respondent No.4 was almost double the age of the petitioner and an illiterate person, as he failed to adduce any evidence regarding his education. He submits that only ground for rejection of candidature of the petitioner was that respondent No.4 belonged to same Patti Rupa to which the deceased Lambardar belonged. He has submitted that appointment of Lambardar was for the village of Bhura Karim Pura and not for any specific Patti of the village. Thus the view taken by the learned Collector and the subsequent authorities is totally in violation of the settled principles of law. He relies upon the judicial precedent of this Court in **Baljeet Singh vs Financial Commissioner, Revenue, Punjab and others** 2013(4) RCR (Civil) 353 and submits that this Court has already dealt with the issue and rejected the ground taken by all the three authorities.

Per contra, the counsel for respondent No.4 has opposed the submissions made by counsel for the petitioner and submits that there is no infirmity in the orders passed by learned Collector, Commissioner and Financial Commissioner.

Learned State counsel has also opposed the prayer made by counsel for the petitioner.

After hearing counsel for the parties and perusing the record, it is apparent that process for appointment of Lambardar was initiated on 22.10.1998. Three candidates applied for the post including the petitioner and respondent No.4. Character verification was done, however, learned Collector, on appreciation, appointed respondent No.4 as the Lambardar,

though it was apparent that petitioner was younger than respondent No.4. Besides this, primarily, candidature of the petitioner was rejected on the ground that he belongs to village Patti Sham Singh, whereas there is no denial to the fact that appointment of Lambardar was for entire village Bhura Karima Pura and not only for Patti Rupa, which is a part of village Bhura Karima.

Though the law settled is that the view taken by the Collector is not to be disturbed in a cavalier manner except where there is any perversity in the order, however, in view of the facts and circumstances of this case, this Court finds that the Collector and the subsequent authorities have fallen in error in observing that petitioner does not belong to Patti Rupa of the village. Thus, the orders, dated 23.02.2017, 09.03.2016 and 21.09.2011, Annexures P-6, P-4 and P-3, being perverse, deserve to be set aside. Ordered accordingly.

Accordingly, the case is remanded to the learned Collector to pass order afresh within three months from the date of receipt of a certified copy of this order, after hearing both the sides, in accordance with law and without being influenced by any observations made by this Court.

Allowed in above said terms.

September 11, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |