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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15743-2023

Date of Decision: 09.08.2023

Jaspreet Singh

..... Petitioner

Versus

Financial Commissioner and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Sunny K. Singla, Advocate, for the petitioner.
Mr. B.S. Sidhu, Advocate, for caveator-respondent No.4.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing the order dated 01.06.2023 (Annexure P-3) passed by respondent No.1 vide which the order dated 17.06.2021 (Annexure P-2) passed by respondent No.2 has been set aside.

It has been contended by learned counsel for the petitioner that the post of Lambardar in village Falound Khurd, Tehsil Malerkotla (now Tehsil Ahmedgarh) had fallen vacant due to the death of Sh. Kamikkar Singh, Lambardar and on account of the same, Tehsildar Malerkotla got the proclamation done through Halqa Patwari. He submits that in pursuance to the same, five candidates, namely, Jarnail Singh, Gagandeep Singh, Hardeep Singh, Jaspreet Singh (petitioner) and Jaswant Singh applied for the post of Lambardar. The analysis of inter-se merits of the candidates who appeared before the Court were compared, which were found as follows:-

Details of candidates	1.	2.	3.	4.
Name	Jaswant Singh	Gagandeep Singh	Jaspreet Singh	Hardeep Singh
Father Name	Karnail Singh	Mukhtiar Singh	Jagtar Singh	Chhota Singh
Village	Phalaund Khurd	Phalaund Khurd	Phalaund Khurd	Phalaund Khurd
Age	54 years	42 years	37 years	48 years
Education	B.A.	12 th pass	12 th pass	Matric fail

qualification				
Relation with earlier Lambardar	Nil	Nil	Nil	Nil
Experience	Nil	Nil	Nil	Nil
Land	11 Bigha 6 Biswa	50 Bigha	14 Bigha 12 Biswa	54 Bigha 6 Biswa
Character	Non-convicted	Non-convicted	Non-convicted	Non-convicted
Adverse remarks	Nil	Nil	Nil	Nil
Recommendation of Officers below				
Sub Divisional Magistrate	Jaswant Singh	-	-	-
Tehsildar, Ahmedgarh	-	-	-	Hardeep Singh

Learned Counsel for the petitioner has further stated that on the analysis of the same, the learned District Collector, Sangrur found Gagandeep Singh-respondent No.4 most suitable candidate and thus, appointed him as Lambardar of the village vide his order dated 06.06.2019 (Annexure P-1). He has submitted that aggrieved by the appointment of Gagandeep Singh, Hardeep Singh and Jaspreet Singh (petitioner) filed appeals before the learned Commissioner. He has submitted that the learned Commissioner on hearing both the sides, dismissed the appeal filed by Hardeep Singh, whereas, appeal filed by Jaspreet Singh (petitioner) was accepted and he was ordered to be appointed as Lambardar of the village vide order dated 17.06.2021 (Annexure P-2). He submits that aggrieved by the same, respondent No.4-Gagandeep Singh filed appeal under Section 13 of the Punjab Land Revenue Act, 1887 before the learned Financial Commissioner. He has submitted that the learned Financial Commissioner after hearing both the sides accepted the appeal filed by respondent No.4 vide impugned order dated 01.06.2023 (Annexure P-3) and thus, upheld the

order passed by the learned Collector. Learned counsel for the petitioner has vehemently contended that on the demise of earlier Lambardar of the village, the petitioner and four other candidates applied for the post of Lambardar. He submits that on the comparison of their inter-se merits, the petitioner was the most suitable candidate. He submits that the petitioner was 37 years of age and 10+2 pass, whereas, respondent No.4 was 42 years of age and 10+2 pass. He has submitted that obviously respondent No.4 was elder in age and thus the petitioner being younger in age was more meritorious and he had the right to be appointed as Lambardar in view of the law laid down by Hon'ble Supreme Court in **Mahavir Singh vs. Khiali Ram and others**, 2009(1) RCR (Civil) 757. He has submitted that the learned Commissioner has rightly accepted the appeal filed by the petitioner and had appointed him as Lambardar of the Village. He has submitted that the view taken by the learned Financial Commissioner in accepting the appeal filed by respondent No.4 is totally against the facts and circumstances of the case and the law settled and thus, deserves to be set aside.

After hearing learned counsel for the parties and perusing the record, it is apparent that on demise of Sh. Kamikkar Singh, Lambardar, post of Lambardar fell vacant and subsequent to that five applications were received. Character verification of all the candidates in fray was done and their inter-se merits were compared and during hearing of the candidates it was found that Hardeep Singh and Jaspreet Singh (petitioner) had put on fire the remains of wheat crops in their fields whereas Punjab Government had completely banned putting on fire the remains in the fields and the Collector found these candidates not suitable. Hence, in the overall

assessment, respondent No.4 Gagandeep Singh was found most suitable candidate and thus, he was appointed as Lambardar of the village. The appeal filed by the petitioner was accepted by the Commissioner and the Commissioner not only set aside the order passed by the Collector, but also appointed the petitioner as Lambardar of the village by setting aside the order passed by the Collector. Thereafter, the appeal was preferred by respondent No.4-Gagandeep Singh against the order of the Commissioner before the Financial Commissioner and the learned Financial Commissioner re-appreciated the whole case and heard both the sides and accepted the appeal filed by respondent No.4 by upholding the order passed by the learned Collector vide impugned order dated 01.06.2023.

In **Sukhjinder Pal Singh Vs. State of Punjab and others**, 2016(3) R.C.R. (Civil) 725, this Court while dealing with the same question has held as under:-

“14. It is pertinent to mention here that the appointment of Lambardar is primarily the prerogative and administrative act of the District Collector. The selection made by him is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in the appointment.”

As per the law settled, there is no gainsaying that the choice of the Collector should not be disturbed in a cavalier manner. It is the Collector, who not only appreciates the record of the candidates but also personally interacts with them. Respondent No.4 was found to be the most suitable candidate by the Collector. The Commissioner not only accepted the appeal against the order of the Collector but also appointed the petitioner as Lambardar of the village, which issue is already pending

adjudication before the Larger Bench of this Court.

There is no dispute regarding the law settled in the judgment cited by learned counsel for the petitioner, however, the same is distinguishable in the facts and circumstances of the case in hand.

Viewing the orders passed by the leaned Financial Commissioner on the anvil of law settled, this Court finds no perversity in the same and thus, the present petition being devoid of any merit is hereby dismissed.

09.08.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No