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

**CWP No.15792 of 2023**

**Date of Decision: 25.07.2023**

**Lakhmi Chand Tyagi**

**..... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**Present:** Mr. Ram Karan Agnihotri, Advocate  
for the petitioner.

**RAJESH BHARDWAJ J. (ORAL)**

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the impugned order dated 28.06.2017 (Annexure P-1) passed by learned Collector, Karnal whereby respondent No.4 has been appointed as Lambardar of village Dhanokheri and order dated 31.01.2023 (Annexure P-3) passed by learned Financial Commissioner, Haryana, Chandigarh whereby well reasoned order dated 18.11.2021 (Annexure P-2) passed by learned Commissioner, Karnal Division Karnal has been set aside.

Learned counsel for the petitioner has submitted before this Court that post for general category of Lambardar in village Dhano Kheri, District Karnal had fallen vacant due to the demise of previous Lambardar, namely, Sh. Om Parkash, who died on 06.06.2016. To fill up the post, the Collector, Karnal invited applications of the interested

persons by way of Mushtri Munadi in the village. In response to the same, 31 candidates applied for the same, however, after the scrutiny, 6 persons remained in fray for the above said post of Lambardar. On comparing *inter se* merits of all the candidates, the Collector appointed Madan Lal, i.e., respondent No.4 as Lambardar of village Dhano Kheri vide order dated 28.06.2017. Aggrieved by this, the petitioner, who was more meritorious among all the candidates, filed an appeal before the Divisional Commissioner, Karnal. Learned Commissioner finding the petitioner more meritorious accepted the appeal and thus, remanded the case back to the Deputy Commissioner-cum-Collector, Karnal for decision afresh vide his order dated 18.11.2021. He submits that respondent No.4 assailed the same by way of filing the revision petition before learned Financial Commissioner. However, learned Financial Commissioner without appreciating the *inter se* merits of the petitioner and that of the respondent, set aside the well reasoned order of learned Commissioner dated 18.11.2021 and thus, illegally accepted the revision petition filed by the respondent vide order dated 31.01.2023. Hence, he has approached this Court by way of filing the present petition.

It has been contended by learned counsel for the petitioner that respondent No.4-Madan Lal is matriculate, aged 44 years and he owned 02 acres of land in the village whereas petitioner was 42 years of age and owned 7.5 acres of the agricultural land. He has a neat and clean character in the village. He has submitted that respondent No.4 was elder to the petitioner and he owned only 2 acres of land. He has submitted that petitioner is the grand son of earlier deceased Lambardar, namely Hans Raj whereas respondent No.4 is the son of deceased

Lambardar, namely, Om Parkash. It is evident that petitioner was younger in age and more qualified than respondent No.4 and hence, learned Commissioner has rightly remanded the case for a fresh decision. However, learned Financial Commissioner has failed to appreciate the same and has given due weightage to the fact that respondent No.4 was son of deceased Lambardar, which is totally unsustainable in the eyes of law and thus, view taken by the Collector as well as the Financial Commissioner deserve to be set aside.

After hearing learned counsel for the petitioner and perused the material on record, it is evident that on the demise of Lambardar, Om Parkash of village Dhano Kheri, post of Lambardar fell vacant and thus, applications were invited by making Mushtri Munadi in the village. In pursuance to the same, 31 applications were received and on scrutiny, only 06 candidates remained in the fray. The *inter se* merits were assessed by the respondents-authorities and petitioner was found to be 42 years of age and 10<sup>th</sup> passed. He owned 7.5 acres of agricultural land whereas respondent No.4 was 44 years of age, 10<sup>th</sup> pass and 2 acres of land was owned by him. On perusal of the *inter se* merit, the Collector found that there was not much difference in the merits of petitioner and respondent No.4. However, the Collector found respondent No.4 to be more suitable for the post of Lambardar and hence, he was appointed as Lambardar. The Collector found that name of respondent No.4 was also recommended by the Tehsildar and SDO(C). Needless to say for analyzing the merit of candidates, the Collector had an opportunity for interaction with them.

This Court in “*Sukhjinder Pal Singh Vs. State of Punjab and others*”, 2016(3)R.C.R.(Civil)725, 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.”*

The Choice of the Collector should not be normally disturbed unless some grave discrepancy is observed in the appointment. In the facts and circumstances of the present case, on comparing of the *inter se* merits of the petitioner and that of respondent No.4, the Collector has rightly appointed respondent No.4 s Lambardar of village Dhano Kheri.

Thus, keeping in view the facts of present case and law settled, this Court does not find any perversity in the opinion arrived at by the Collector and the Financial Commissioner. Accordingly, both the impugned orders found to be suffering from no infirmity are upheld. Resultantly, this petition, being devoid of any merit is hereby dismissed.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**25.07.2023**

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable or not | : | Yes/No |