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

**CWP No.22713 of 2023**

**Date of Decision: 09.10.2023**

**Gurvinder Singh**

**..... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

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

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Present: Mr. Parveen Chauhan, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J.**

Present writ petition has been filed for issuance of a writ in the nature of certiorari for setting aside/quashing the order dated 22.08.2023 (Annexure P-6) passed by respondent No.1 only to the limited extent that the matter has been remanded back to the learned Collector, Karnal to ascertain the land holding of respondent No.5 on 27.07.2016 and in case same is found more than 5 acres then his appointment should not be disturbed instead of finding out the land holding on the date of advertisement/proclamation for filling up the post of Lambardar or even date of application is the cut-off date for fulfilling the eligibility conditions/criteria. Further prayer has been made for modifying the order dated 22.08.2023 (Annexure P-6) to ascertain the land holding of respondent No.5 on the date of application i.e. in the year 2012-13 when after the death of earlier Lamberdar of the village, the post was advertised

and orders were issued by respondent No.2 to fill up the vacant post of Lambardar and for staying the operation of impugned order dated 22.08.2023 (Annexure P-6) during the pendency of instant petition.

Learned counsel for the petitioner has vehemently contended that on the death of earlier Lambardar, namely, Jaswant Singh on 19.07.2012, the process for the appointment of new Lambardar was initiated and proclamation was made for inviting the applications from the interested/eligible candidates. In pursuance to the same, various applications were received. Character verification of all the candidates were conducted. He submits that on the comparison of *inter se* merits of the petitioner, namely, Gurvinder Singh and that of respondent No.5, namely, Jatinder Sharma, it was found that the petitioner was 25 years of age and 12<sup>th</sup> class pass. Besides this, he was having 05 acres of agricultural land. He was also the grandson of deceased Lambardar. On the other hand, respondent No.5 was found to be 35 years of age and 12<sup>th</sup> class pass. As per the report of the Assistant Collector 2<sup>nd</sup> Grade-cum-Naib Tehsildar, Nilokheri, District Karnal, land measuring 5 acres was shown in his name whereas he was having only 05 kanal of land. He was found to be the grandson of former Sarpanch. On comparison of *inter se* merits, the Sub Divisional Officer (Civil), Karnal recommended the name of respondent No.5 for the appointment of Lambardar. The learned Collector, after evaluating the over all merits and demerits of both the candidates, appointed respondent No.5 as the Lambardar of the village vide his order dated 12.09.2018. He submits that the petitioner being aggrieved challenged the same by way of filing the appeal before the Divisional

Commissioner, Karnal. However, the learned Divisional Commissioner, after hearing both the sides, finding no merit in the appeal, dismissed the same vide his order dated 18.11.2021. Aggrieved by the same, petitioner filed the revision petition before the learned Financial Commissioner. He submits that respondent No.5 owned only 05 kanals of land on the date of initial consideration by the Collector i.e. 27.07.2016 whereas he was wrongly shown to be the owner of 47 kanals 13 marla of land. He submits that learned Financial Commissioner has remanded the case to the District Collector, Karnal to ascertain the actual ownership of agricultural land of respondent No.5 on 27.07.2016. He has vehemently contented that direction of the learned Financial Commissioner while remanding the case with a specific direction to ascertain the holding of land on 27.07.2016 is totally illegal as the eligibility of respondent No.5 is to be scrutinized on the date of filing of the application in the year 2012-2013. He submits that the remand order is illegal to the extent of directing the Collector to ascertain the holding of the land by respondent No.5 on 27.07.2016 instead of the date of filing the application which was in 2013. He submits that the impugned order is illegal to that extent, and thus, deserves to be set aside.

I have heard learned counsel for the petitioner and perused the material on record.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that both the petitioner and respondent No.5 applied for the appointment of the Lambardar. On verification of their merits and demerits, respondent No.5 was found to be more suitable and thus, he was appointed by the Collector, which was affirmed by the

Commissioner as well in the appeal filed by the petitioner. However, the petitioner filed the revision petition before the Financial Commissioner. The revision petition was accepted by the learned Financial Commissioner by remanding the case with a direction to ascertain the holding of the land with respondent No.5 on 27.07.2016. Precise submission made by learned counsel for the petitioner is that the Collector should have been directed to ascertain the holding of the land at the time of filing of the application. It is apposite to note that respondent No.5 was not appointed only on the basis of the holding of his land but on the overall merits, he was found to be more suitable and thus, he was appointed as Lambardar of the village.

It is not the case of the petitioner that respondent No.5 was landless on the date of his application or on the date of his appointment for the post of Lambardar. Thus, the submissions made by learned counsel for the petitioner *sans merit*. Hence, the petition is dismissed.

(RAJESH BHARDWAJ)  
JUDGE

09.10.2023

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