

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

CWP-676-2024

Date of Decision: 11.01.2024

Randhir Singh

..... Petitioner

Versus

The Financial Commissioner and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravinder Hooda, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for setting aside the order dated 09.01.2023 (Annexure P-3) passed by respondent learned Financial Commissioner, in ROR No.127/2021-22, order dated 03.02.2021 (Annexure P-2) passed by the Commissioner, Rohtak Division, Rohtak in Executing Appeal No.232 of 2019 and order dated 30.10.2019 (Annexure P-1) passed by the Collector, Rohtak in case No.38 of 2017.

Adumbrated facts of the case are that on resignation of Bhim Singh, earlier Lambardar of the village Naunand, post of new General Lambardar fell vacant. Thus, the process for the appointment of new Lambardar was initiated. The Collector, Rohtak vide order dated 23.02.2012 appointed one Prem Singh as Lambardar of the village under the General category. However, the same was challenged by Randhir Singh-petitioner and Ramchander-respondent No.4 by way of filing their separate appeals before the Commissioner, Rohtak Division, Rohtak. The Commissioner decided both the appeals vide order dated 16.01.2013 and remanded the case to the Collector for deciding the case afresh. The order passed by the Commissioner was challenged by Prem Singh by way of filing ROR No.169

of 2012-2013 before the learned Financial Commissioner, Haryana. However, the same was dismissed by the learned Financial Commissioner vide order dated 21.01.2015. The order passed by the learned Financial Commissioner was challenged by Prem Singh by way of filing writ petition bearing No.CWP-1912-2015, but during the pendency of the same, Prem Singh died and thus, the writ petition was dismissed having become redundant vide order dated 02.08.2017. Thereafter, the Collector heard the case afresh in view of the order passed by the Commissioner dated 16.01.2013. There were three candidates, namely, Ramchander (respondent No.4), Randhir Singh (petitioner) and Rajesh (respondent No.5) in the fray. On appreciation of the inter-se merits of all the candidates, it was found as follows:-

Name of the candidate	Age	Education	Land	Support	Other qualities
Rajesh	43	10 th pass	08 kanals	19	—
Randhir Singh	60	10 th pass	14 kanals 07 marlas	23	—
Ramchander	54	10 th pass	56 kanals	33	--

Their character verifications were conducted. The learned Collector on the overall evaluation of the inter-se merits and demerits of the candidates in fray, found respondent No.4-Ramchander to be the most suitable candidate and thus, appointed him as new Lambardar under the General Category of village Naunand vide order dated 30.10.2019 (Annexure P-1). Aggrieved by the same, Randhir Singh (petitioner) and Rajesh (respondent No.5) filed their independent appeals before the Commissioner, Rohtak Division, Rohtak. Both the appeals were heard together by the learned Commissioner, however, finding no merit in the same, both the appeals were dismissed vide order dated 03.02.2021

(Annexure P-2). Aggrieved by the same, the petitioner filed a revision petition before the learned Financial Commissioner, who also found no merit in the same and dismissed the revision petition vide order dated 09.01.2023 (Annexure P-3). Thus, the order passed by the Collector has been upheld by both the Appellate and Revisional authorities. Hence, the petitioner has approached this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that the learned Collector has illegally appointed respondent No.4 as Lambardar. He submits that the petitioner was more meritorious candidate among all the candidates. He submits that though the petitioner was falsely implicated in two criminal cases, however, he was acquitted in both cases much prior to initiation of the process for appointment of Lambardar. He submits that the learned Collector and thereafter, the Appellate and Revisional authorities have fallen in error in ignoring the same that at the time of appointment, the petitioner did not have any criminal cases against him and thus, the impugned orders are unsustainable in the eyes of law. He has relied upon the judgments of this Court in Shri @ Siri Niwas vs. State of Haryana, 2013 (3) RCR (Civil) 261 and Satish Kumar vs. Financial Commissioner, Social Security, Punjab and others, Law Finder Doc Id # 520678.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that respondent No.4 was younger in age than the petitioner. Though qualification wise both the candidates were at par, however, this cannot be denied that the petitioner was involved in two criminal cases though he was acquitted in both. However, on evaluation of merits and demerits of respondent No.4, it is apparent that he has neat and

clean antecedents.

Hon'ble Supreme Court in **Mahavir Singh vs. Khiali Ram and others**, 2009(1) RCR (Civil) 757 has held that for the appointment of Lambardar, age of the candidate is a relevant factor.

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, the Collector is the main authority for appointment of the Lambardar. It is the Collector, who not only appreciates the antecedents of all the candidates in the fray, but also personally interacts with them. Thus, the subjective satisfaction of the Collector cannot be ignored in a cavalier manner.

All the three subordinate authorities have taken consistent view and thus, order passed by the Collector is found to be suffering from no perversity. This Court in **Hakam Singh vs. Financial Commissioner (Revenue), Punjab and others**, 2016(4) RCR (Civil) 335 while dealing with the same question has held as under:-

“3. Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since all the three revenue authorities have recorded their concurrent findings of fact, which have been found duly supported by

sound reasons, the impugned orders deserves to be upheld.”

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

In view of the facts and circumstances of the case and on the anvil of law settled, this Court does not find any perversity in the impugned orders and thus, the present petition is dismissed being devoid of any merit.

11.01.2024
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No