



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

CWP-11929-2022 (O&M)
Date of decision :19.09.2024

SUKHDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Dheeraj Kumar, Advocate
for Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

Mr. M.S. Dhami, Advocate
for respondent No.4.

HARSH BUNGER, J. [ORAL]

Petitioner (Sukhdeep Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *certiorari* for setting aside the order dated 29.01.2018 (Annexure P-6) passed by the Additional Commissioner (Appeals), Jalandhar Division, Jalandhar, whereby, the Collector's order dated 10.12.2015 (Annexure P-4), appointing petitioner-Sukhdeep Singh as *Lambardar* of Village Jairam Kot, Tehsil Ajnala, District Amritsar, was set aside and the matter was remanded for passing a fresh order, after hearing all stake holders.

1.1 A further prayer has been made by the petitioner for setting aside the order dated 13.09.2021 (Annexure P-7) passed by the learned

Financial Commissioner, Punjab, whereby the revision petition (ROR-159-2018) filed by the petitioner against order dated 29.01.2018 (Annexure P-6) was dismissed.

2. Briefly, on the demise of Sh. Jagiri Lal, previous *Lambardar* of Village Jairam Kot, the proceedings were initiated for filling up the vacancy. Ultimately, only two candidates i.e. the petitioner and respondent No.6-Avatar Singh, were left in the fray. Learned Collector, vide order dated 10.12.2015 (Annexure P-4) appointed the petitioner as *Lambardar*.

2.1 The Collector's order was challenged by respondent No.6-Avatar Singh by filing an appeal before the learned Additional Commissioner (Appeals), Jalandhar Division, Jalandhar, which came to be allowed vide order dated 29.01.2018 (Annexure P-6); whereby the matter was remanded to the learned Collector, for passing a fresh order. The Commissioner's order has been further upheld by the learned Financial Commissioner, vide order dated 13.09.2021 (Annexure P-7).

3. In the afore-mentioned circumstances, the petitioner has filed the present writ petition before this Court.

4. Learned counsel for the petitioner submits that the learned Additional Commissioner as well as the learned Financial Commissioner, have erred in law and fact in appreciating that in the matter of appointment of *Lambardar*, the Collector's choice is not to be lightly interfered with unless there is any patent illegality or perversity therein. It is submitted that the petitioner is more meritorious than respondent No.6 and was rightly appointed as *Lambardar* by the learned Collector and the said choice was required to be maintained. It is further submitted that respondent No.6 is getting old age pension on the basis of wrong declaration and he has also mentioned his wrong age at the time of submitting his application for

appointment as *Lambardar*, therefore, the conduct of respondent No.6 is not above board.

4.1 With the afore-said submissions, prayer has been made that the impugned orders may be set aside and the order passed by the Collector, may be maintained.

5. Per contra, learned counsel appearing for respondent No.6 has opposed the submissions made on behalf of the petitioner by submitting that the learned Additional Commissioner, had considered the arguments raised on behalf of the respective parties and has rightly remanded the case to the learned Collector, for fresh decision as the relevant factors, which are required to be considered for appointment of *lambardar*, have not been dealt with properly. It is further submitted that even otherwise, no prejudice has been caused to the petitioner with the remand of the case as he can put forth his claim before the learned Collector.

5.1 Accordingly, prayer has been made for dismissal of the instant writ petition.

6. Heard.

7. In the present case, the petitioner was appointed as *Lambardar* by the learned Collector, Amritsar vide order dated 10.12.2015 (Annexure P-4). However, on an appeal filed by respondent No.6 (Avatar Singh), the Collector's order dated 10.12.2015 (Annexure P-4) was set aside by the learned Additional Commissioner, vide order dated 29.01.2018 (Annexure P-6) and the matter has been remanded to learned Collector for passing a fresh order after hearing all stakeholders as there are allegations and counter allegations against both the candidates.

8. A perusal of the order dated 29.01.2018 (Annexure P-6) passed by learned Divisional Commissioner would show that the following allegations were made against the petitioner :-

(i) In the application submitted by the petitioner for appointment as Lambardar, he had mentioned his qualification as 10th pass, whereas subsequently, he submitted a false affidavit dated 11.12.2013 that he is 10+2 pass, whereas he had failed in 10+2 and had cleared the same in the year 2015;

(ii) That the petitioner is a Band Master and running his business under the name of "Sony Piper Band Jairamkot" and has affixed a badge of ex-serviceman on his shoulder and plays band at marriage functions ;

(iii) Family of the petitioner is alleged to be in illegal occupation of Gram Panchayat land and mother of the petitioner being Sarpanch, allowed her husband to remain in an un-authorised possession of Gram Panchayat land ;

(iv) Petitioner was claiming money under MGNREGS.

8.1 Apart from the aforesaid allegations, the petitioner is also stated to be involved in a criminal case bearing GD No. 37 dated 03.07.2018 under Sections 323, 324, 452, 427, 506, 148, 149 IPC, registered at Police Station Bhindi Saidan, District Amritsar.

9. On the other hand, the petitioner had stated that respondent No. 6 (Avatar Singh) is an old man and although he claims to be matriculate, but no certificate was produced by him (Avatar Singh) in support of such claim. It is alleged against Avatar Singh that he has played fraud with the Government by taking old age pension from the Government.

10. After hearing the learned counsel for the petitioner and upon perusal of the paper-book, it is noticed that the petitioner has not countered the allegations made against him, rather he has only stressed on the demerits of respondent No. 6-Avatar Singh. Apparently, there are allegations and counter

allegations against the parties i.e. petitioner and respondent No. 6, which requires to be verified at the level of learned Collector.

11. In the attending circumstances, I am of the considered view that the learned Divisional Commissioner had rightly remanded the matter to learned Collector for passing a fresh order as there are allegations and counter allegations against both the candidates. Furthermore, the order passed by learned Divisional Commissioner has been upheld by the learned Financial Commissioner. Therefore, there is no scope for any interference in the impugned orders by this Court in exercise of its writ jurisdiction, resultantly, the writ petition fails and same is accordingly dismissed.

12. All pending applications (if any) shall also stand closed.

Septmeber 19, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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