

217

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

**CWP No.25581 of 2015**

**Date of Decision: 09.01.2024**

**Jaspal Singh**

**..... Petitioner**

**Versus**

**The Financial Commissioner (Appeals),  
Punjab and others**

**..... Respondents**

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

**\*\*\***

Present: Mr. Sunny K. Singla, Advocate  
for the petitioner.

Mr. Arun William, AAG, Punjab.

None for respondent No.4

**\*\*\***

**RAJESH BHARDWAJ, J.**

Present writ petition has been filed for quashing of order dated 28.10.2013 (Annexure P-1) passed by respondent No.3 and order dated 12.11.2014 (Annexure P-2) passed by respondent No.2 to the extent vide which the matter was remanded to the Court of Ld. District Collector to make fresh proclamation in the village, and to quash the order dated 06.07.2015 (Annexure P-3) passed by respondent No.1 vide which the aforesaid order passed by respondent No.2 has been upheld with the observation to remand the case for fresh proclamation. Further prayer has been made for staying the implementation of impugned orders during the pendency of the present writ petition.

Adumbrated facts of the present case are that on the death of earlier Lambardar, namely, Jeet Singh on 24.01.2012, the post of Lambardar fell vacant in village Badla, Tehsil Malerkotla, District Sangrur. Thus, the process for appointment of new Lambardar was initiated and mustri munadi was conducted in the village for inviting the applications from the willing and eligible candidates. In pursuance to the same, three applications were received from the candidates, namely, Hari Singh son of Jyoti Singh i.e. respondent No.4; Jaspal Singh son of Niranjn Singh i.e. the petitioner and Jagdev Singh son of Mal Singh. However, later on Jagdev Singh had withdrawn his application in favour of Jaspal Singh and thus, only two candidates i.e. the petitioner and respondent No.4 remain in the fray. The verification of their character antecedents was conducted. On comparison of their *inter se* merits, it was found as follows:

| Details of candidates            |                          |                          |
|----------------------------------|--------------------------|--------------------------|
| Name                             | Hari Singh               | Jaspal Singh             |
| Father’s name                    | Jyoti Singh              | Niranjn Singh            |
| Village/Tehsil/District          | Badla/Malerkotla/Sangrur | Badla/Malerkotla/Sangrur |
| Age                              | 70 years                 | 34 years                 |
| Education qualification          | Matric                   | Matric                   |
| Relation with deceased Lambardar | Brother                  | Nothing                  |
| Experience                       | Nothing                  | Nothing                  |
| Land                             | 50 Bigha 12 Biswa        | 3 Bighas                 |
| Character report                 | Clean                    | Clean                    |
| Adverse Remarks                  | Nothing                  | Nothing                  |

On evaluation of their *inter se* merits, the learned Collector appointed respondent No.4 as Lambardar of the village vide his order dated 28.10.2013. Being aggrieved the petitioner filed an appeal before the learned Commissioner, who after hearing both the sides, set aside the

order passed by the learned Collector by remanding the case to the District Collector with a direction to make fresh proclamation for inviting the applications and appoint the Lambardar considering the merits and demerits. Aggrieved by the same, both the petitioner and respondent No.4 filed their respective appeal bearing ROA No.48 of 2015 and revision bearing ROR No.92 of 2015 before the learned Financial Commissioner. Both the appeal and revision were heard together by the learned Financial Commissioner and disposed of by common order. On hearing both the appeal and revision, the learned Financial Commissioner dismissed both the cases by upholding the remand order passed by the learned Commissioner vide his order dated 06.07.2015. Being aggrieved the petitioner is before this Court by filing the present writ petition.

Learned counsel for the petitioner has fairly submitted before this Court that during the pendency of the present petition, respondent No.4 has died. He however has submitted that the petitioner was more meritorious but the learned Collector failed to appreciate the same and thus, illegally appointed respondent No.4 as Lambardar of the village. He submits that the learned Commissioner has illegally remanded the case by directing the Collector to hold fresh proclamation as there was no illegality in the proclamation made. He submits that the learned Financial Commissioner has also fallen in error in dismissing the revision petition filed by the petitioner and thus, has illegally upheld the order passed by the Commissioner. He submits that once respondent No.4 is no more, the petitioner be appointed as Lambardar of the village.

Learned State counsel on the other hand has submitted before this Court that the authorities below have passed the order in accordance with law and the same suffer from no illegality. However, he has affirmed that respondent No.4 has died during the pendency of the present petition.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that both the petitioner and respondent No.4 had applied for the appointment of Lambardar of village Badla, Tehsil Malerkotla, District Sangrur. On comparison of their *inter se* merits, the Collector had appointed respondent No.4 as Lambardar of the village. However in the appeal filed, the same was set aside by the Commissioner, which order was upheld by the learned Financial Commissioner as well. It is not in dispute that respondent No.4, who was appointed as Lambardar of the village by the Collector has died during the pendency of the present petition.

In the peculiar facts and circumstances of the case, this Court does not find any infirmity in the impugned orders passed by the authorities below in remanding the case for decision afresh by inviting the applications afresh. Thus, the interest of justice would be met by initiating the process for appointment of Lambardar afresh by making fresh proclamation.

Thus, the District Collector i.e. respondent No.3 is directed to initiate the fresh process for appointment by making fresh proclamation and appoint the lambardar keeping in view the merits and

demerits of the candidates in the fray within a period of three months from the date of receipt of certified copy of this order. It is made clear that the petitioner would be allowed to participate in the process of fresh appointment.

The present petition stands disposed of with the above observation.

(RAJESH BHARDWAJ)  
JUDGE

09.01.2024  
*rittu*

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