

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

CWP-16322-2023

Decided on: 12.03.2024

Varinder Singh

..... Petitioner

Versus

Financial Commissioner Revenue, Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Puri, Advocate, for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr.Sanjeev Manhas, Advocate, for respondent No.4.

RAJESH BHARDWAJ J.

1. Prayer in the present petition is for quashing the order dated 13.02.2023 (Annexure P-3), passed by the Financial Commissioner Revenue, Punjab, order dated 29.05.2018 (Annexure P-2) passed by Commissioner Jalandhar, Division Jalandhar, wherein, well reasoned order passed by Deputy Commissioner-cum-District Collector dated 05.08.2015 (Annexure P-1) has been set aside. Further prayer has been made that operation of the orders Annexures P-2 and P-3 be stayed.

2. Adumbrated facts of the case are that on account of resignation tendered by Mehar Singh, earlier Lambardar of the village Talur, Hadbast No.22, Tehsil & District Pathankot, post of Lambardar fell vacant and thus, process for the appointment of new Lambardar was initiated. On receiving necessary approval, *Mushtri Munadi* was conducted in the village for inviting applications from the interested and eligible candidates. In pursuance to the same, five applications were received from Janmej Singh, Rajinder Singh, Varinder Singh (petitioner) and Sohan Singh (respondent No.4) and Rachhpal Singh. Their character verifications were got conducted from the concerned Police Station. Thereafter, only three candidates

remained in fray. Naib Tehsildar, Pathankot recommended the name of Sohan Singh for the appointment of Lambardar, which was agreed by the Tehsildar, Pathankot. On comparison of their inter-se merits, it was found as under:-

Name	Age	Education	Land holding	Remarks
Sohan Singh	69 years	10 th pass	75 acres	He remained Sarpanch of the village for 15 years
Varinder Singh	59 years	Graduate	12 acres	

Learned Collector on evaluation of inter-se merits and demerits of all the candidates, finding petitioner Varinder Singh to be more meritorious candidate appointed him as Lambardar of the village vide order dated 05.08.2015 (Annexure P-1). Aggrieved by the same, respondent No.4- Sohan Singh filed an appeal before the Additional Commissioner (Appeals), Jalandhar Division, Jalandhar. Learned Commissioner after hearing both the sides, found the order passed by the Collector to be perverse and thus, set aside the same by appointing respondent No.4-Sohan Singh as Lambardar of the village vide his order dated29.05.2018 (Annexure P-2). Aggrieved by the same, the petitioner filed their revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before the Financial Commissioner. Learned Financial Commissioner heard both the sides and re-appreciated the evidence on record, however, finding no merit in the revision filed by the petitioner upheld the order passed by the Commissioner, vide his order dated 13.02.2023 (Annexure P-3). Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the Collector had rightly appointed the petitioner finding him more meritorious and suitable candidate, however, the Appellate and Revisional authorities

have fallen in error in setting aside the well reasoned order passed by the Collector.

4. However, learned counsel for respondent No.4 has submitted that during the pendency of the present petition, respondent No.4-Sohan Singh has died on 01.01.2024. He has submitted that the order passed by the Collector in appointing the petitioner was set aside by the Commissioner while accepting the appeal filed by respondent No.4, which was further upheld by the Financial Commissioner. He has submitted that once respondent No.4 has died, as per law fresh process for appointment of Lambardar is to be initiated by making fresh proclamation.

5. Heard.

6. This Court refrains itself from commenting anything on merits of the case regarding any of the candidates. As the appointed candidate i.e. respondent No.4 has died on 01.01.2024, the orders passed by the authorities below do not further sustain and hence, are set aside as the proceedings for appointment of Lambardar are to be started *de novo*. The Hon'ble Division Bench of this Court in **Shamsher Singh vs. Financial Commissioner (Revenue), Haryana, 1998(2) RCR (Civil) 474** has held as under:-

“.....Once one or the other candidate out of the two in field dies, the other candidates may choose to apply for the post. In any case, no Lambardar can be allowed to remain on the post only because the other contesting candidate dies during the pendency of the case. Khazan Singh, respondent No.3 is admittedly working as Lambardar. He is allowed to continue as Lambardar till a fresh decision is taken.”

7. In view of the above discussion the present petition is disposed of and the Collector concerned is directed to initiate the process afresh for

the appointment of Lambardar by making fresh *musharti munadi*/proclamation and conclude the same expeditiously preferably within a period of four months from the date of receipt of copy of this order. However, it is being clarified that the petitioner and other interested candidates, would be at liberty to participate in the fresh process to be initiated for the appointment of Lambardar.

8. It is evident from the record that this Court while issuing notice of motion in the present case on 31.07.2023, had stayed the operation of the impugned orders 13.02.2023 and 29.05.2018, hence, the petitioner is continuously working as Lambardar of the village. Thus, till the fresh appointment is made by the Collector, the petitioner would continue to work as Lambardar of the village.

9. The office is directed to send a copy of this order to the Collector concerned forthwith, who on receipt of the same initiate fresh proceedings for the appointment of Lambardar.

12.03.2024
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No