



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21264-2024 (O&M)
Date of decision :17.09.2024

KRISHAN KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Akash Sheoran, Advocate
for the petitioner.

Ms. Upasana Dhawan, A.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is, *inter alia*, for issuance of a writ in the nature of *certiorari* for setting aside order dated 04.09.2019 (Annexure P-3) passed by the learned District Collector, Charkhi Dadri, appointing respondent No.7 (Ajit Singh) as *Lambardar* (General Category) of Village Rankoli, Tehsil and District Charkhi Dadri.

A further prayer has been made by the petitioner for setting aside the order dated 28.09.2021 (Annexure P-4) passed by the learned Divisional Commissioner, Rohtak as well as order dated 21.11.2023

(Annexure P-5) passed by learned Financial Commissioner, Haryana, whereby an appeal and revision filed by the petitioner against Collector's order, were dismissed respectively.

2. In the present case, the previous *Lambardar* namely, Munshi Singh expired and proceedings for filling up the said vacancy were initiated. The Assistant Collector Ist Grade as well as the Sub-Divisional Officer, Charkhi Dadri recommended the name of respondent No.7 for appointment as *Lambardar*. Learned Collector, Charkhi Dadri appointed respondent No.7 as the *Lambardar*. The Collector's order was further upheld in appeal as well as in revision filed by the petitioner herein.

2.1 Feeling aggrieved against the impugned orders, the petitioner has filed the present writ petition before this Court.

3. Learned counsel for the petitioner contends that the Revenue Authorities below have erred in law and fact in passing the impugned orders and have wrongly appointed respondent No.7 as the *Lambardar* by ignoring the better merits of the petitioner. It is further submitted that the petitioner has been non-suited by the authorities below on the ground that a case FIR No.100 dated 09.02.2015 under Sections 279, 337 of the Indian Penal Code was registered against him. It is submitted that the petitioner already stands acquitted in the said case and therefore, no disqualification was attracted to the candidature of the petitioner. Accordingly, it is prayed that the impugned orders may be set aside and the petitioner may be appointed as *Lambardar*.

4. Heard.

5. Here, it would be apposite to state the relative merits of

the candidates (as noticed by learned Collector), which can be summed up as under :-

<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Krishan Kumar)</i>	<i>Resp. No.7 (Ajit Singh)</i>
<i>1</i>	<i>Age</i>	<i>41 years</i>	<i>39 years</i>
<i>2</i>	<i>Educational qualification</i>	<i>B.A. and JBT pass</i>	<i>Matric</i>
<i>3</i>	<i>Land holding/s</i>	<i>26 Kanals</i>	<i>20 Kanal – 7 Marlas</i>
<i>4</i>	<i>Recommended by</i>	<i>—</i>	<i>Tehsildar and Sub Divisional Officer, CharkhiDadri</i>

5.1 A bare perusal of the above chart would show that respondent No.7 is younger in age than the petitioner, has sufficient land holding/s; has studied upto Matric and his name was recommended by the lower Revenue Authorities. Furthermore, respondent No.7 was appointed as *Lambardar* and the said appointment has been further upheld by the learned Commissioner as well as the learned Financial Commissioner.

6. In *Mahavir Singh v. Khiali Ram and Others, 2009(1) RCR (Civil) 757*, Hon'ble Supreme Court held that with regard to the appointment of a *Lambardar*, age of a candidate is a relevant factor.

6.1 As far as the recommendations by the lower Revenue Officer is concerned, although, the Collector is not bound by the recommendation made by the Revenue Authorities in favour of a candidate; however, due consideration is to be accorded to such recommendations as they are in a position to assess the suitability of a candidate and such recommendation would have some persuasive value. In this regard, reference can be made to the observations made in the case of *Hakam Singh vs Financial Commissioner (Revenue), Punjab, 2016(4) RCR (Civil) 335* and *Atma Singh vs The Financial Commissioner, Revenue, Punjab, 2016(1) LAR 592*.

6.2 Although, the petitioner owns slightly more land than respondent No.7; however, it is observed that as far as holding of land is concerned, same is taken into consideration only for the purpose of security towards government revenue collected by the Lambardar. Respondent no.7 has about 20 Kanals–7 Marlas of land, which is sufficient to be taken into consideration for the purpose of security of revenue, collected by the *Lambardar*. Moreover, in case of ***Gurpreet Singh versus Financial Commissioner (Revenue), Punjab, 2017(1) RCR (Civil) 233***, this Court has observed that land revenue stood abolished in both the State of Punjab and Haryana, long back, thus owning land by the candidates for the post of Lambardar would not be of much significance any further.

6.3 As regards the contention of the petitioner that he stands acquitted in case FIR No.100 and no disqualification was attracted to his candidature, it is observed that once a candidate with clean antecedents was available and the Collector, after considering the merits/de-merits of all the candidates found respondent No.7 as a suitable person for being appointed as *Lambardar*, no fault can be found with the said choice.

6.4 Furthermore, in the case of ***Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273***; it was held by the Division Bench of this Court that choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein. It is also well established that the learned 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. Therefore, the subjective satisfaction of the Collector, which has been further upheld by

the Appellate as well as the Revisional Authorities below, has to be respected.

7. In the afore-mentioned facts and circumstances, I do not find any merit in the instant writ petition and the same is, accordingly, dismissed.

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

September 17, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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