



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(104)

CM-3540-3541-LPA-2023 in/and
LPA NO.1390 of 2023(O&M)
DATE OF DECISION: 13.08.2024

Jaspreet Singh

.....Appellant

VERSUS

Financial Commissioner, Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I.MEHTA

Present Mr.Sunny K. Singla, Advocate,
for the appellant.

Ms.Arundhati Kulshreshtha, AAG, Punjab.

Mr. Baldev S. Sidhu, Advocate,
for Caveator / respondents.

G.S.SANDHAWALIA, J (ORAL)

CM-3540-LPA-2023

For the reasons mentioned in the application, delay of 13 days in filing the appeal is condoned.

CM stands allowed.

LPA No. 1390 of 2023(O&M)

1. The present Letters Patent Appeal is directed against the order dated 09.08.2023 passed in Civil Writ Petition No.15743 of 2023, whereby the learned Single Judge has dismissed the Civil Writ Petition filed by the appellant. Resultantly, the order of the Financial Commissioner restoring the appointment of the private respondent Gagandeep Singh as Lamberdar of village Falound Khurd, Tehsil Malerkotla (now Tehsil Ahmedgarh) has been upheld.

2. The reasons which weighed with the Financial Commissioner as such to interfere with the order of the Commissioner while passing the order dated 01.06.2023



was that it was the Collector's prerogative to appoint a Lamberdar and it should not be disturbed in a cavalier manner unless there is any perversity or irregularity. Reliance has also been placed upon the law laid down in **Balram v Financial Commissioner. Pb. & Hr. 2012(3) LAR 125.** In such circumstances, the learned Single Judge has chosen not to interfere by passing the impugned order.

3. We have noticed that the interference by the Commissioner was to the extent that Commissioner chose to substitute the appointment and thus stepped into the jurisdiction of the Collector which is not to be interfered with unless there is perversity or irregularity. The reasoning given by the Commissioner reads as under:-

"6. I have given my due consideration to the submission made by all the parties and have also closely perused the record available on the file. I have also seen the impugned order dated 06.05.2019. I am of the considered opinion that the appellant Jaspreet Singh is a better candidate for the post of lambardar. He enjoys good reputation and popularity. The appellant is a social worker and participates in social welfare activities. As far as the allegation levelled against Jaspreet Singh that he has set fire to the fields after harvesting the crops is concerned, it is not clear from the report of concerned halga patwari that what were the reasons behind the said fire or who had set fire to the residue of wheat crop. The respondent has failed to explain any demerit of the appellant Jaspreet Singh for which his candidature could be ignored.

7. Under the normal circumstances, the choice of District Collector in the matter of appointment of village lambardars is not to be interfered but here, there is a strong case for interference as the District Collector has over looked some important facts of the case. Keeping in view the above facts & circumstances of the case, the appeal filed by Hardeep Singh is dismissed. However, the appeal filed by Jaspreet Singh is hereby accepted and he is ordered to be appointed as lambardar of village Falound Khurd, Tersil Malerkotla, District Sangrur.



4. We are also informed that on an earlier occasion also, matter had been remanded by the Financial Commissioner (Revenue), Punjab, Chandigarh. The proceedings as such were initiated by way of proclamation through Halka Patwari on 28.03.2015. Five persons namely Jarnail Singh, Gagandeep Singh, Hardeep Singh, Jaspreet Singh and Jaswant Singh were found to be non convicted and police had no objection qua appointment of any of the candidates as Lamberdar. We are also informed that on an earlier occasion out of five, three namely Hardeep Singh, Jaspreet Singh (present appellant) and Jaswant Singh were found guilty of putting on fire the wheat crop remains in the field and main matter had been taken upto the Financial Commissioner and a remand order was passed.

5. Only four candidates namely Jaswant Singh, Gagandeep Singh, Jaspreet Singh and Hardeep Singh were heard. The Collector apparently interacted with the candidates and found that Jaspreet Singh and Hardeep Singh had admitted that they had put on fire the remains of wheat crop. On perusal of the documents, it also transpired that Hardeep Singh candidate had tried to take illegal possession of the Panchayati land. As per the report of Patwari Halka, fire had also taken place in the field of Jaswant Singh candidate. The Collector has recorded that nothing had come on record regarding putting fire the remains of wheat crop in the field by Gagandeep Singh candidate, who owned 50 bighas of land and was found to be much suitable than the other three candidates and thus, said Gagandeep Singh was lastly chosen as new Lamberdar of the village, his land measuring 50 bighas would remain with the Government as a security.

6. Thus, in the absence of any perversity, the Commissioner as noticed, did not record any findings which could have given this Court an occasion to interfere with the order passed by the Financial Commissioner which has been duly upheld by the learned Single Judge.

7. In such circumstances, we do not find any plausible reason to further entertain the present appeal in the absence of any illegality or irregularity. The



procedure which has been followed and the reasoning which has been given does not warrant any interference.

8. The appeal being without any merit is hereby dismissed.
9. Pending applications, if any, shall stand disposed of along with this judgment.

(G.S.SANDHAWALIA)
JUDGE

13.08.2024
mamta

(MEENAKSHI I.MEHTA)
JUDGE

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