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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24384-2024 (O/M)

Date of decision : 23.09.2024

Ranjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Ranjit Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 30.05.2018 (Annexure P-1), passed by learned District Collector, Bathinda (in short 'Collector') under Rule 16 (ii) (a) of Punjab Land Revenue Rules, 1909 (in short 'PLR Rules'); whereby petitioner was dismissed from the post of Lambardar of village Bhai Rupa, Tehsil Rampura Phul, District Bathinda.

1.1 A further prayer has been made by the petitioner for setting aside the order dated 17.07.2019 (Annexure P-2), passed by the learned Commissioner, Faridkot Division, Faridkot (in short 'Divisional Commissioner') and also the order dated 08.02.2024 (Annexure P-3), passed by the learned Financial Commissioner, Punjab (in short 'Financial

Commissioner'), whereby the appeal and revision petition filed by the petitioner against his dismissal order; were dismissed, respectively.

2. Briefly, the petitioner was working as Lambardar of village Bhai Rupa and one case FIR No. 156, dated 02.12.2017 came to be registered at Police Station Phul under Sections 307, 148, 149 IPC and Section 25, 27 of Arms Act, wherein petitioner was also an accused. The aforesaid factum of a criminal case registered against petitioner was brought to the notice of the Deputy Commissioner by Shri Sukhdev Singh son of Phagan Singh; whereupon a report was sought from SSP, Bathinda, who vide his letter No. 847/5 dated 14.05.2018, reported that case FIR No. 156 was registered against petitioner and that he was in custody at Central Jail, Bathinda.

2.1 Upon considering the aforesaid report, the Deputy Commissioner, Bathinda, while exercising his power under Rule 16(ii)(a) of PLR Rules, dismissed the petitioner from the post of Lambardar, vide impugned order dated 30.05.2018 (Annexure P-1).

2.2 Petitioner challenged the order dated 30.05.2018 (Annexure P-1) by way of an appeal before the learned Divisional Commissioner, which was dismissed, vide order dated 17.07.2019 (Annexure P-2). A further revision petition filed by petitioner was also dismissed by learned Financial Commissioner, vide order dated 08.02.2024 (Annexure P-3).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed above.

4. Learned counsel for petitioner submits that the impugned orders are illegal and arbitrary as no opportunity of hearing was afforded

revenue authorities are harsh. It is further submitted that the revenue authorities have passed non speaking orders without returning any finding as regards non-entrustment of duties of office of Lambardar to the petitioner. It is contended that mere registration of FIR is no ground to dismiss the petitioner from the post of Lambardar, moreover, when the petitioner is already on bail and his guilt is yet to be proved. Accordingly, it is prayed that the instant civil writ petition be allowed and the impugned orders be set aside.

5. Heard.

6. In the present case, the petitioner was dismissed from the post of Lambardar as a criminal case under Sections 307, 148, 149 IPC and Sections 25, 27 of Arms Act was registered against him. The petitioner has been dismissed by learned Collector, Bathinda, while exercising his powers under Rule 16 of the PLR Rules, which deals with 'Dismissal of Headmen', and the same reads as follows :

"(i) A headman shall be dismissed when -

(a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence; or

(b) in an estate owned altogether or chiefly of Government he ceases to possess the interest which led to his appointment;

(c) in any other estate he ceases to be a landowner in the estate or sub-division of the estate in respect of which he holds office;

(d) he has mortgaged his holding and has delivered possession to the mortgagee; but in special cases the Collector may with the Commissioner's sanction retain him in his office under such circumstances; if he can furnish adequate security for the payment of

the revenue he has to collect and for the due discharge of his duties; or

(e) his holding has been transferred under Section 71 of the Land Revenue Act or the assessment thereof has been annulled under Section 73 of the Act.

(ii) *A headman may be dismissed when -*

(a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office; or

(b) he is seriously embarrassed by debt, or if his unencumbered holding is so small as to disqualify him in the Collector's opinion for the responsibility attached to the office of headman; or

(c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge the duties of his office; or

(d) There is reason to believe that he has taken part in, or concealed illicit distillation, or the smuggling of contraband articles such as narcotics, gold, jewellery, foreign exchange, (in Punjab only) cocaine, opium or charas;

(e) he takes part in any unconstitutional agitation against the Government or failed to give his active support to the Government in the maintenance of law and order;

(f) he neglects to discharge his duties or is otherwise shown to be incompetent;

(g) the estate or sub-division thereof, in respect of which he holds office, or his own holding is attached either for an arrear of land revenue or by order of any court."

6.1 A perusal of above extracted Rule 16 of PLR Rules would manifest that in sub-rule (i) of Rule 16 of PLR Rules, five clauses have been provided in which the circumstances have been prescribed under

which a headman shall incur disqualification. In such cases, there is no scope for discretion and the person has to be necessarily declared disqualified if he is found to be covered by any of these clauses. On the other hand, in sub-rule (ii) of Rule 16 of PLR Rules, a discretion has been conferred on the Collector to consider the desirability of dismissing a person if he suffers from any of the disabilities or dis-qualifications prescribed in the seven clauses of this sub-rule. This sub-rule provides that headman can be disqualified if any of the circumstances mentioned in the clauses under this sub-rule come to occur. However, it is a matter left purely at the discretion of the Collector and he is to decide in the circumstances of each case whether to disqualify a Lambardar or to take some other action against him if he is found to be involved in such activities.

6.2 Evidently, a criminal case under Sections 307, 148, 149 IPC and Sections 25, 27 of Arms Act has been registered against the petitioner. It is not disputed before this Court that in the abovesaid case FIR No. 156, the prayer for grant of anticipatory bail to the petitioner was dismissed by the learned Additional Sessions Judge, Bathinda and also by this Court, vide order dated 08.02.2018, passed in CRM-M-3528-2018. Concededly, the petitioner was arrested on 20.03.2018 and he was granted regular bail by this Court, vide order dated 15.10.2019, passed in CRM-M-5394-2019. Apparently, the petitioner was unavailable to the village community for a long time.

6.3 In somewhat similar circumstances, this Court in ***Dharam Pal Versus Financial Commissioner, Haryana***, 2011(3) RCR (Civil) 406; held as under:-

“10. Rule 16(ii) provides that a Headman may be dismissed when criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office.

11. A Lambardar is required to maintain the confidence and respect of the villagers, in view of nature of his duties.

12. The petitioner was involved in a crime of serious nature under Section [302/34](#) Indian Penal Code and was taken in custody, and convicted after trial. In such circumstances clearly, case of the petitioner would fall under Rule 16(ii)(a).

*13. The Division Bench of this Court considered the issue in **2005(1) RCR (Civil) 658 : 2005(2) PLR 306, Jog Dhian v. Financial Commissioner, Haryana and others**. Following is the relevant portion from Para 13 of the judgment :-*

"..... As mentioned above, it is admitted position, so specifically averred in the writ petition, that the petitioner was involved in a murder case, even though it is stated that he was acquitted, and which order was upheld by the High Court. It may be true that once an accused is acquitted on a criminal charge framed against him, even though by giving benefit of doubt, he is presumed to be innocent but at the same time, such a person cannot command respect from the public as, surely, the people cannot have much confidence and rely upon a person, who, even though, might have been acquitted but who has been tried for murder and remained in custody, either in judicial or police...."

14. The duties of a headman have been provided under Rule 20 of the Rules. Rule 20 when extracted reads as under :-

"20. Duties of headman.- In addition to the duties imposed upon headman by law for any purpose, a headman shall

(i) collect by due date all land revenue and all sums, recoverable as land revenue from the estate, or subdivision of an estate in which he holds office, and pay the same personally or by revenue money order or by remittance of currency notes through the post [or at places where treasury business is conducted by the {State Bank of India or any Scheduled Bank as notified by the State Government from time to time}, by cheque on a local Bank] at the place and time appointed in that behalf to the Revenue Officer or assignee empowered by Government to receive it;

(ii) collect the rents and other income of the common land, and the account for them to the persons entitled thereto;

(iii) acknowledge every payment received by him in the books of the landowners and tenants;

(iv) defray joint expenses of the estate and render accounts thereof as may be duly required of him;

[(v) report to the Tehsildar the death or any assignee of land revenue or Government pensioner residing in the estate, or the marriage or re-marriage of a female drawing a family pension and residing in the estate, or the absence of any such person for more than a year];

[(vi) report to the Tehsildar and Collector all encroachments on and injury to the roads, public streets and Government, Nazul and Panchayat land;]

(vii) report any injury to Government buildings made over to his charge;

(viii) carry out, to the best of his ability, any orders that he may receive from the Collector requiring him to furnish information or to assist in providing on

payment supplies or means of transport for troops or for officers of Government on duty;

(ix) assist in such manner as the Collector may from time to time direct at all crop inspections, recording of mutations, surveys, preparation of records of right, or other revenue business carried on within the limits of the estate;

(x) attend the summons of all authorities having jurisdiction in the estate, assist all officers of the Government in the execution of their public duties, supply, to the best of his ability any local information which those officers may require, and generally act for the landowners, tenants and residents of the estate or sub-division of the estate in which he holds office in their relations with Government;

(xi) report to the Patwari any outbreak of disease among animals [or human beings];

(xii) report to the Patwari the deaths of any right holders in their estates;

(xiii) report any breach or cut in a Government irrigation canal or channel to the nearest canal officer, or canal Patwari;

(xiv) under the general or special directions of the Collector, assist by the use of his personal influence and otherwise all officers of Government and other persons, duly authorised by the Collector, in the collection and enrolment of recruits for military service whether combatant or non-combatant;

(xv) render all possible assistance to the village postman, while passing the night in the village, in safeguarding the cash and other valuables that he carried."

15. *Considering the facts and circumstances of the case, in the context of provisions in Rules and the case law, I am of the considered opinion that the order passed by the*

Financial Commissioner does not call for any interference. A person such as petitioner who was involved in a case under Section [302](#) Indian Penal Code cannot command any respect from public as, surely, the public cannot have confidence on the petitioner and rely on him.

16. Nature of duties as given out in Rule 20 extracted above require active association of the Lambardar with the residents of the area. The nature of duties requires that Lambardar knows the residents in the estate for carrying out his jobs. Without commanding respect and regard of the residents, the duties cannot be carried out. Surely, a person who has been tried for an offence as serious as under Section [302](#) I.P.C., cannot serve the purpose of the post held by him as he would be looked upon with suspicion. In such circumstances, I find that the order passed by the Financial Commissioner, dismissing the petitioner, was not required to be reviewed, even though the petitioner has been acquitted, considering mandate of rule particularly under Rule 16(ii)(a) of the Rules...”

6.4 Considering the aforementioned facts and circumstances, I am of the considered opinion that the order passed by the learned Collector, which has been further upheld by learned Divisional Commissioner as well as learned Financial Commissioner, does not call for any interference. A person such as petitioner, who is involved in a case under Sections 307, 148, 149 IPC read with Sections 25, 27 of Arms Act; cannot command any respect from public as, surely, the public cannot have confidence on the petitioner and he would be looked upon with suspicion. Without commanding respect and regard of the residents, the duties of Lambardar cannot be carried out by the petitioner, consequently, he cannot serve the purpose of the post held by him.

7. In this view of the matter, I do not find any merit in this civil writ petition and the same is accordingly dismissed.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

23.09.2024
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No