

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

CWP-6343-2017

Date of decision : 08.04.2024

Balwant Singh

.....Petitioner

versus

Financial Commissioner Revenue Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. C.L. Premy, Advocate and
Ms. Raman Rekhi, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

Mr. Sharwan Sehgal, Advocate
for respondent No.6.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing of the impugned order dated 08.11.2016 (Annexure P-9) passed by respondent No.1 vide which the revision petition filed by respondent No.6 has been allowed in an illegal, arbitrary and unconstitutional manner and to sustain the order dated 11.07.2013 (Annexure P-5) passed by respondent No.2 vide which appeal of respondent No.6 has been dismissed and order dated 05.07.2012 (Annexure P-3) passed by respondent No.3 vide which he has appointed the petitioner as Lambardar of the Village.

Adumbrated facts of the case are that on the death of earlier Lambardar namely, Bhajan Singh on 20.08.2010, the post of Lambardar fell vacant in the Village Cheema. Thus, the process for the appointment of the new Lambardar was initiated. The *mustri munadi* was conducted in the Village for inviting the applications from the interested eligible candidates. In pursuance to the same, three applications were received

including that of the petitioner and respondent No.6. On evaluation of the inter se merits of the candidates in the fray, learned Collector found the petitioner to be the most suitable candidate and appointed him as Lambardar of the Village vide his order dated 05.07.2012. Being aggrieved, respondent No.6 assailed the same by way of filing the appeal before the learned Commissioner, Patiala Division, Patiala. Learned Commissioner, on hearing both the parties, found no merit in the appeal and thus, dismissed the same vide his order dated 11.07.2013. Still aggrieved, respondent No.6 filed the revision petition under Section 16 of the Punjab Land Revenue Act before the learned Financial Commissioner, Punjab. Learned Financial Commissioner on hearing both the parties, found the order passed by the Collector and the Commissioner to be unsustainable in the eyes of law and thus, *set aside* both these orders by appointing respondent No.6 as Lambardar of the Village vide his order dated 08.11.2016. Hence being aggrieved, petitioner is before this Court by way of filing the present petition.

This Court while issuing notice of motion in the present case on 28.03.2017 stayed the operation of the impugned order. Thus, the petitioner is continuously working as Lambardar of the Village. During hearing of this petition, it has been submitted before this Court that respondent No.6 has died.

Learned counsel for respondent No.6 submits that respondent No.6 has died. However, counsel for the petitioner submits that petitioner is working on the post of Lambardar since his appointment and once, respondent No.6 has died, the petition be allowed.

Heard. On hearing counsel for the parties and perusing the record, it is evident that respondent No.6 has died during the pendency of

the present petition. Though the petitioner was appointed by the Collector which order was upheld by the learned Commissioner, however, in the revision filed by respondent No.6 before the learned Financial Commissioner, both these orders were set aside and respondent No.6 was appointed as Lambardar of the Village by the learned Financial Commissioner. However, once respondent No.6 is no more, the contention raised by counsel for the petitioner that the petition should be allowed is without any force.

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.6 has died, 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.”

In the facts and circumstances of the case, the present petition is disposed of with direction to respondent No.3 to initiate fresh process for the appointment of Lambardar by inviting fresh applications. Petitioner would also be at liberty to apply for the same. Learned

Collector on appreciation of the fresh applications received, would appoint the new Lambardar within three months from the date of receipt of copy of this order. However, as the petitioner is already working as Lambardar, he would continue to work as Lambardar of the Village till fresh process for appointment of new Lambardar is concluded.

Petition is disposed of in above-mentioned terms.

08.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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