

2024:PHHC:165881



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

CWP-33240-2024 (O&M)
Date of decision :10.12.2024

BALWINDER SINGH

...Petitioner

Versus

FINANCIAL COMMISSIONER, PUNJAB, SECTOR-9,
CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Avtar Singh Syan, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Petitioner (Balwinder Singh) has filed the present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari* for setting aside the order dated 24.09.2019 (Annexure P-3) passed by the learned District Collector, Ludhiana; whereby respondent No.4-Darshan Singh, was appointed as the *Lambardar* of Village Jhamat, Tehsil Payal, District Ludhiana.

A further prayer has been made for setting aside the order dated 16.07.2021 (Annexure P-4) passed by the learned Commissioner, Patiala Division, Patiala and order dated 11.09.2023 (Annexure P-5) passed by the learned Financial Commissioner, Punjab; whereby the appeal and revision filed by the petitioner, were dismissed, respectively.

2. Briefly, on demise of Sh. Naranjan Singh, previous *lambardar* of Village Jhamat, Tehsil Payal, District Ludhiana; proceedings were

initiated for filling up the vacancy. In pursuance of the proclamation made in the village for filling up the afore-said vacancy, six persons (including the petitioner and respondent No.4) applied for the post.

2.1 After hearing the candidates and upon perusal of their merits and de-merits, the learned Collector, Ludhiana, vide his order dated 06.06.2017 (Annexure P-1) appointed respondent No.4-Darshan Singh, as the *lambardar* of Village Jhamat.

2.2 The afore-said order dated 06.06.2017 (Annexure P-1) passed by the learned Collector, Ludhiana, came to be challenged by the present petitioner-Balwinder Singh and other candidates namely, Harminder Singh and Mohinder Singh, by filing their separate appeals before the learned Divisional Commissioner, Patiala Division, Patiala; however, the same were allowed vide common order dated 23.01.2018 (Annexure P-2); whereby the matter was remanded to the learned Collector, Ludhiana, for fresh decision.

2.3 Upon remand, the learned Collector, again appointed respondent No.4-Darshan Singh, as the *Lambardar* of Village Jhamat, vide order dated 24.09.2019 (Annexure P-3).

2.4 The afore-said Collector's order dated 24.09.2019 (Annexure P-3) came to be challenged by the present petitioner-Balwinder Singh, by way of filing an appeal before the learned Divisional Commissioner, Patiala Division, Patiala, which was dismissed vide order dated 16.07.2021 (Annexure P-4).

2.5 Thereafter, the present petitioner-Balwinder Singh, preferred a revision petition (**ROR-702-2021**) before the learned Financial Commissioner (Appeals), Punjab, which was also dismissed vide order dated 11.09.2023 (Annexure P-5). Hence, the present writ petition.

3. Heard.

4. It is well settled that while appointing Lambardar, the Collector is required to take into consideration the parameters mentioned in Rule 15 of the Punjab Land Revenue Rules.

5. In the present case, respondent No. 4 – Darshan Singh was appointed as Lambardar of village Jhamat by learned Collector, Ludhiana vide order dated 24.09.2019 (Annexure P-3) by holding as under:-

“Counsels for the candidates were heard and files and documents and order of Ld. Commissioner, Patiala Division Patiala dated 30.05.2018 was seen. In this order it is stated that Balwinder Singh is graduate and is more educated than other candidates, but the Collector has not considered him. Secondly, lower courts have recommended the name of Mohinder Singh candidate as Lambardar and it is also true that Collector is not bound by the recommendations of the lower courts, but the reports of Lower Courts show the correct candidate, but this was also not considered. Apart from this Shri Harminder Singh candidate is son of Mustifi Lambardar and has hereditary claim, which has also not been considered. This case was remanded back to the Court of Collector, Ludhiana with direction to decide on merit after hearing the candidates. After that after hearing the candidates in person and going through the file and documents the facts comes on record that candidate Mohinder Singh was recommended to be appointed as Lambardar by the Naib Tehsildar Khanna and Sub Divisional Magistrate, Khanna, but this candidate is doing job in Water Works. Candidate Balwinder Singh is BA pass, but he has less land compared to candidate Darshan Singh and his age is more. Candidate Harminder Singh is son of Mustifi Lambardar, but his age education etc. is less compared to candidate Darshan Singh. Candidate Darshan Singh

is 52 years of age, which is less than other candidates. He has more lands than others. He is resident of Patti of Mustifi Lambardar. He can read, write Punjabi. Due to his agricultural work he remains present in the village. He is member of private Gurdwara Committee. As per report of local police his character is good. This candidate was appointed as Lambardar vide order dated 6.6.2017 by this Court considering him competent. In view of the above I come to the conclusion that candidate Darshan Singh is competent for the post of Lambardar than other candidates. In view of the above said facts, candidate Darshan Singh S/o Ishwar Singh is appointed as Lambardar of Village Jhamat, Tehsil Payal, District Ludhiana in place of Mustifi Lambardar Naranjan Singh. Order pronounced after formalities and file be consigned to record room.”

6. From the above extracted findings of learned Collector, it is noticed that the learned Collector after appreciating the comparative merits of the candidates, specifically the age, land holding, educational qualification etc., found respondent No.4-Darshan Singh to be fit and suitable candidate for the post of Lambardar.

7. In a process of selection, perceptions as to the comparative merits and suitability of a candidate, would vary from person to person and, therefore, from Court to Court. It is an established principle that judicial review of such an order is confined to an appraisal of the impugned order so as to discern whether it is perverse, arbitrary or violates the provisions of any statutory enactment

8. Learned counsel for the petitioner has not been able to point out any illegality or perversity in the order passed by the District Collector. The finding of the learned District Collector has been affirmed by the learned Commissioner as well as learned Financial Commissioner.

9. Hon’ble Supreme Court of India in the case of *Mahavir Singh v. Khiali Ram & others, 2009(3) SCC 439*, which was followed by Division Bench of this Court in the case of *Phool Kumar v. State of Haryana and others, 2010(2) RCR (Civil) 819*, it is well settled that there should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. There are concurrent findings recorded by the revenue authorities.
10. Considering the totality of circumstances, I find no reason to interfere in the impugned orders, resultantly, the present writ petition fails and the same is accordingly dismissed.
11. All pending application/s, if any, shall also stand closed.

December 10, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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