

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

CWP-29396-2023

Date of decision : 12.02.2024

Baljinder Singh

.....Petitioner

versus

Financial Commissioner, Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhishek Singla, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for setting aside non-speaking and non-reasoned impugned order dated 02.03.2023 (Annexure P-8) passed by learned Financial Commissioner, respondent No.1 in ROR No.640/2020 titled as Baljinder Singh Vs. Learned Commissioner, Patiala and others and impugned orders dated 25.07.2018 and 04.11.2020 (Annexures P-4 and P-6) passed by learned District Collector, respondent No.3 and learned Divisional Commissioner, respondent No.2 respectively whereby respondent No.4 has wrongly and illegally been appointed as Lambardar of Village Wazid Ke Khurd, Tehsil & District Barnala, on totally irrelevant considerations. Further prayer has been made for staying the operation and implementation of abovesaid impugned orders during the pendency of the present CWP.

Adumbrated facts of the case are that on the death of earlier Lambardar namely, Gurmeet Singh on 07.04.2017, the process for the appointment of new Lambardar was initiated. The proclamation was issued in the village for inviting the applications from the eligible

interested candidates and *mustri munadi* was conducted. In pursuance to

the same, six applications were received including petitioner-Baljinder Singh and that of respondent No.4-Beant Singh. Their character verification was got conducted. Out of six candidates, two candidates withdrew their applications in favour of respondent-Beant Singh and thereafter, four candidates namely, Gurjant Singh, Baljinder Singh (petitioner), Beant Singh (respondent No.4) and Paramjit Singh remained in the fray. The Naib Tehsildar, Mehal Kalan vide his report dated 22.12.2017 recommended the name of petitioner-Baljinder Singh to be appointed as Lambardar which was further approved by the Sub Divisional Magistrate vide his report dated 05.04.2018. On appreciation of their *inter se* merits, Baljinder Singh was found to be 62 years of age and 10th class pass and retired from the police department. Respondent No.4-Beant Singh was found to be 46 years of age and 10th class pass. Learned Collector on evaluation of the *inter se* merits of all the candidates in the fray, found respondent No.4-Beant Singh to be most suitable candidate and appointed him as Lambardar of the Village vide his order dated 01.10.2018. Being aggrieved, petitioner filed the appeal before the Commissioner, Patiala. Learned Commissioner after hearing counsel for both the sides, found no infirmity in the order passed by the Collector and thus, dismissed the appeal filed by the petitioner vide his order dated 04.11.2020. Still aggrieved, petitioner filed the revision petition before the learned Financial Commissioner. Learned Financial Commissioner on hearing both the sides, found no infirmity in the orders passed by the Collector and the Commissioner and thus, dismissed the revision petition vide his order dated 02.03.2023. Hence, petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner has contended that the petitioner was 62 years of age and matric pass. Besides this, he owned 03 acres of land. The precise argument raised by counsel for the petitioner is that petitioner retired from the police department and thus, had enough experience to be appointed as Lambardar. He submits that as per Rule 15 of the Punjab Land Revenue Act, petitioner was most meritorious however, but the Collector failed to appreciate the same. He has submitted that the Assistant Collector 2nd Grade, vide his report/order dated 22.12.2017 recommended candidature of the petitioner for the appointment of Lambardar. It is submitted that agreeing with this report, the Assistant Collector 1st Grade also recommended the name of petitioner vide his report/order dated 29.01.2018. He submits that the SDM, Barnala agreed with the reports and recommended the name of the petitioner vide his report/order dated 05.04.2018. However, learned Collector without appreciating these reports had illegally rejected the merits of the petitioner and appointed respondent No.4 as Lambardar. He submits that the order of the Collector being perverse, deserves to be *set aside*.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the process for the appointment of Lambardar was initiated on 01.09.2017. On evaluation of the *inter se* merits of all the candidates, the Collector found respondent No.4 to be the most meritorious and suitable candidate and thus, appointed him as Lambardar of the Village. The contentions raised by counsel for the petitioner is regarding the report of the Assistant Collector 1st & 2nd Grade and the Sub Divisional Magistrate in which name of the petitioner was recommended

to the Collector for appointment. The Collector is the prime authority for the appointment of Lambardar who has to take into consideration the overall merits and demerits of all the candidates. The reports as relied upon by the petitioner are to be taken into consideration but the same do not confer any right on the concerned candidate to be appointed as Lambardar of the Village. Admittedly respondent No.4 was younger in age than the petitioner.

In Sukhjinder Pal Singh Vs. State of Punjab and others, 2016(3)R.C.R.(Civil)725, this Court while dealing with the same question has held as under:-

“14. It is pertinent to mention here that the appointment of Lambardar is primarily the prerogative and administrative act of the District Collector. The selection made by him is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in the appointment.”

Besides this, the Collector found respondent No.4 to be more meritorious on other considerations as well which has been further upheld by the Commissioner and the Financial Commissioner.

Thus, on the anvil of the law settled, this Court does not find any perversity in the orders passed by the Collector, Appellate and Revisional Authorities and hence, this petition, being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

12.02.2024
m. sharma

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