

CWP-2983-2025 (O/M)
CWP-2988-2025 (O/M)
CWP-3034-2025 (O/M)

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2025:PHHC:068728
2025:PHHC:068737
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 21.05.2025

1. CWP-2983-2025 (O/M) 2025:PHHC:068728
Ravinder Singh Petitioner

Versus

Financial Commissioner (Appeals), Punjab
and others Respondents

2. CWP-2988-2025 (O/M) 2025:PHHC:068737
Ravinder Singh Petitioner

Versus

Financial Commissioner (Appeals), Punjab
and others Respondents

3. CWP-3034-2025 (O/M) 2025:PHHC:068749
Ravinder Singh Petitioner

Versus

Financial Commissioner (Appeals), Punjab
and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ishmeet Singh, Advocate
for the petitioner (in all cases).

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition(s) filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 02.11.2022 (Annexure P-2), passed by learned Commissioner, Jalandhar Division,

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Jalandhar (in short 'Divisional Commissioner'), whereby he had set aside the order dated 03.08.2021 (Annexure P-1), passed by learned Collector, Hoshiarpur (in short 'Collector'), appointing the petitioner (Ravinder Singh) as Lambardar of village Ambala Jattan, Tehsil Dasuya, District Hoshiarpur.

1.1 A further prayer has been made for setting aside the order dated 22.07.2024 (Annexure P-3), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'), whereby revision petition (ROR-19-2023), preferred by the petitioner against learned Divisional Commissioner's order dated 02.11.2022 (Annexure P-2), has been dismissed.

2. For brevity, facts have been taken from CWP-2983-2025.

3. Briefly, upon resignation of Shri Surjit Singh Dhatt, previous Lambardar of village Ambala Jattan, Tehsil Dasuya, District Hoshiarpur, proceedings were initiated for filling up the vacancy, wherein 13 applications were received, including the applications submitted by Ravinder Singh (petitioner in all cases), Sukhpal Singh (respondent No. 4 in CWP-2983-2025), Kamaljeet Kaur (respondent No. 4 in CWP-2988-2025) and Maninderjit Singh Dhatt (respondent No. 4 in CWP-3034-2025).

3.1 Naib Tehsildar, Garhdiwala, Tehsildar Dasuya as well as Sub Divisional Magistrate, Dasuya recommended the candidature of petitioner (Ravinder Singh) for appointment to the aforesaid vacancy and placed the matter before learned Collector.

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3.2 Learned Collector, vide order dated 03.08.2021 (Annexure P-1), appointed petitioner as Lambardar of village Ambala Jattan.

3.3 Feeling aggrieved against learned Collector's order, three separate appeals were filed by Sukhpal Singh, Kamlajeet Kaur and Manjinderjit Singh Dhatt before learned Divisional Commissioner; which came to be allowed, vide a common order dated 02.11.2022 (Annexure P-2) and the matter was remanded back to learned Collector for fresh decision after hearing the parties and passing a detailed speaking order.

3.4 Feeling aggrieved against learned Divisional Commissioner's order dated 02.11.2022 (Annexure P-2), petitioner preferred three separate revision petitions before learned Financial Commissioner, which came to be dismissed, vide a common order dated 22.07.2024 (Annexure P-3).

4. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

5. Heard.

6. Here it would be apposite to refer to relative merits of the petitioner (Ravinder Singh) and also other candidates, who had challenged learned Collector's order, namely, Sukhpal Singh, Kamaljeet Kaur and Maninderjit Singh Dhatt, which is as under :-

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Particulars	Ravinder Singh (Petitioner in all cases)	Sukhpal Singh (respondent No. 4 in CWP-2983- 2025)	Kamaljeet Kaur (respondent No. 4 in CWP-2988- 2025)	Maninderjit Singh Dhatt (respondent No. 4 in CWP-3034- 2025)
Age	47	51	33	37
Educational Qualification	12 th pass	B.A.	Post Graduate	12 th pass
Land holdings	9 Kanal – 8 Marla	48 Kanal – 3 Marla	12 Kanal – 6 Marla	12 Kanal – 16 Marla
Recommended by	Naib Tehsildar, Gardhiwala; Tehsildar, Dasuya; and Sub Divisional Magistrate, Dasuya	--	--	--

6.1 From a bare perusal of aforesaid comparison, it would be apparent that in terms of age, Maninderjit Singh Dhatt and Kamaljeet Kaur are younger in age than the petitioner. In terms of educational qualification, petitioner as well as Maninderjit Singh Dhatt are 12th class pass, whereas Sukhpal Singh is stated to be B.A. and Kamaljeet Kaur is stated to be post graduate. Even in terms of land holdings, all the above referred three candidates other than the petitioner own more land.

6.2 A perusal of learned Collector's order would show that while appointing the petitioner as Lambardar, learned Collector has referred only his merits, although there were other candidates available also, who were more meritorious than the petitioner. It appears that learned Collector has primarily proceeded on the basis of recommendation of revenue officers, although it is well settled that the recommendation made by revenue officers is not binding on learned Collector and he is required

to apply his own judicious mind to the merits and demerits of the candidates.

6.3 In the present case, learned Divisional Commissioner has set aside learned Collector's order and remanded the matter back to learned Collector for deciding the matter afresh and the said order has been further upheld by learned Financial Commissioner by holding as under :-

“6. I have heard and considered the arguments advanced by Counsel for both the parties and also perused the orders of the courts below. The order dated: 03.08.2021, passed by the District Collector, Hoshiarpur clearly reveals that he has appointed the candidate who is having a less merits as compare to other candidates. In the present case, the appellant is 47 years old, 12th pass, owns 9 kanal 8 marlas. On the other hand, respondent Sh. Maninderjit Singh Dhatt, is 37 years old, 12th pass, owns 12 kanal 16 marlas of land and runs a Gym in the village, the respondent Sh. Sukhpal Singh, is 51 years old, B.A. pass, owns 48 kanal 14 marlas of land and agriculturist by profession and respondent Kamaljit Kaur, is 33 years old, post graduate, owns 12 kanal 6 marlas of land and also participate in welfare of the village. Therefore, after considering the facts of the present case, I find that the Commissioner, Jalandhar Division, Jalandhar has rightly set-aside the order passed by the District Collector, Hoshiarpur and the appellant has failed to point out any illegality and perversity in the order dated: 02.11.2022, passed by the Commissioner, Jalandhar Division, Jalandhar.

7. Resultantly, the present appeals are dismissed and order dated: 02.11.2022, passed by the Commissioner, Jalandhar Division, Jalandhar is upheld. Copy of this order

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be communicated to the courts below. File be consigned to the record room.”

7. Keeping in view the peculiar facts and circumstances of the case, I am satisfied that the matter certainly requires to be re-examined at the level of learned Collector, Hoshiarpur and the orders passed by learned Divisional Commissioner and learned Financial Commissioner are required to be maintained.

8. Ordered accordingly.

9. Resultantly, these writ petitions fail and the same are dismissed.

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

11. Photocopy of this order be placed on connected case files.

(HARSH BUNGER)
JUDGE

21.05.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No