

2025:PHHC:077948



128

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

**CM-5040-CWP-2025 in/and
CWP-5571-2025**

Date of Decision: 02.07.2025

Gurdip Singh

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surinder Thakur, Advocate for the applicant/petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

CM-5040-CWP-2025:

Prayer in the present application is for recalling order dated 21.03.2025 passed by this Court in the main writ petition (CWP-5571-2025), whereby the writ petition was dismissed for non-prosecution.

Notice of the application.

Mr. Nirmaljit Singh Diwana, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the non-applicant/respondent-State and raises no objection in case prayer made in the instant application is accepted.

Keeping in view the aforesaid submission made by learned State counsel as well as the reasons mentioned in the present application, the same is allowed. Order dated 21.03.2025 passed in the main writ petition, bearing CWP No.5571 of 2025, is recalled and the writ petition is restored to

its original number.

CWP-5571-2025:

Petitioner (Gurdip Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 17.12.2019 (Annexure P-3) passed by the learned Collector, Hoshiarpur; order dated 29.03.2022 (Annexure P-5) passed by the learned Divisional Commissioner, Jalandhar; and order dated 16.01.2023 (Annexure P-7) passed by the learned Financial Commissioner, Punjab.

2. Briefly, upon demise of Smt. Harjeet Kaur, previous Lambardar of Village Jhinger Kalan, Tehsil Dasuya, District Hoshiarpur; proceedings for filling up the said vacancy were initiated, whereupon petitioner (Gurdip Singh) and respondent No.4 (Raminderjit Singh) also applied for the said vacancy.

2.1 The learned Tehsildar, Dasuya as well as the learned Sub Divisional Magistrate, Dasuya recommended the candidature of respondent No.4 (Raminderjit Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, Hoshiarpur.

2.2 The learned Collector, Hoshiarpur, after considering the relative merits and demerits of the candidates, appointed respondent No.4 (Raminderjit Singh) as Lambardar of Village Jhinger Kalan, vide order dated 17.12.2019 (Annexure P-3).

2.3 Feeling aggrieved against the aforesaid order dated 17.12.2019 (Annexure P-3), petitioner (Gurdip Singh), preferred an appeal before the learned Divisional Commissioner, Jalandhar, which was dismissed vide

order dated 29.03.2022 (Annexure P-5).

2.4 Still dissatisfied, petitioner (Gurdip Singh) filed a revision petition (ROR No.663 of 2022) before the learned Financial Commissioner, Punjab, which came to be dismissed vide order dated 16.01.2023 (Annexure P-7).

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

4. In the present case, the learned Collector, Hoshiarpur, vide order dated 17.12.2019 (Annexure P-3), appointed respondent No.4 (Raminderjit Singh) as Lambardar, upon finding him to be a suitable candidate. While assessing the comparative merits and demerits of the candidates, the learned Collector observed that the petitioner (Gurdip Singh) was about 45 years of age (at the relevant time), stated to be in poor health, educated up to the 12th standard, and owner of 6 Kanals of land. It was further noticed that the petitioner was involved in a criminal case bearing FIR No.98 dated 21.08.1999, registered under Sections 324, 379-B, 427, and 452 of the Indian Penal Code, at Police Station Dasuya; however, he was acquitted on 12.09.2002.

4.1 As regards respondent No.4 (Raminderjit Singh), it had been observed that he was in good health, about 27 years of age (at the relevant time), holds a degree of B.Sc. (Agriculture), and owner of 32 Kanals of land. It was further noted that his name was recommended by the lower revenue authorities.

4.2 Considering the aforesaid factors, respondent No.4 (Raminderjit Singh) was appointed as Lambardar by the learned Collector,

Hoshiarpur, vide order dated 17.12.2019 (Annexure P-3). The said appointment was subsequently affirmed by the learned Divisional Commissioner, Jalandhar, vide order dated 29.03.2022 (Annexure P-5) as well as by the learned Financial Commissioner, Punjab, vide order dated 16.01.2023 (Annexure P-7). All the revenue authorities having recorded their reasons in support of their decision(s).

5. 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.

6. In the case in hand, the authorities below have consistently held in favour of respondent No.4 (Raminderjit Singh) and having gone through the paper book as well as order dated 17.12.2019 (Annexure P-3) passed by the learned Collector, Hoshiarpur; order dated 29.03.2022 (Annexure P-5) passed by the learned Divisional Commissioner, Jalandhar; and order dated 16.01.2023 (Annexure P-7) passed by the learned Financial Commissioner, Punjab, I find no compelling reason to interfere with the appointment of respondent No.4 (Raminderjit Singh) as Lambardar of Village Jhinger Kalan. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

7. All pending application(s), if any, shall also stand closed.

02.07.2025

Apurva

(HARSH BUNGER)

JUDGE

- | | |
|--------------------------------|--------|
| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |