

LPA-1272-2025 (O&M)

-1-

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

-.-

**LPA-1272-2025 (O&M)
Date of Decision:-6.6.2025**

Chand Ram

....Appellant

VERSUS

Financial Commissioner (Revenue) Haryana and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Kanwar Abhay Singh, Advocate for the appellant.

-.-

SUDEEPTI SHARMA, J.

CM-3127and 3128-LPA-2025

1. Heard.
2. Prayer in these applications is for condonation of delay of 20 days in refiling and 56 days in filing the present appeal.
3. For the reasons stated in the applications, the same are allowed and delay of 20 days in refiling and 56 days in filing the appeal is condoned.

LPA-1272-2025 (O&M)

1. The present appeal is preferred under Clause X of Letters Patent Act challenging judgment dated 05.12.2024, passed by learned Single Judge of this Court in CWP-28980-2024, titled as "*Chand Ram Vs. Financial Commissioner (Revenue) Haryana and Others*", whereby writ petition filed by the appellant challenging order dated 16.10.2018, passed by learned Deputy Commissioner-cum-Collector, Sonapat, vide which appellant was removed from the post of Lambardar of village Raipur, Tehsil and District Sonapat, was dismissed.

2. Learned counsel for appellant contended that finding of learned Single Judge that since appellant has been convicted for the offence punishable under Sections 149, 323,325 and 506 IPC and the same has been upheld by this Court, therefore, he cannot command any respect from public, is erroneous. He further contended that in order to arrive at this conclusion learned Single Judge has incorrectly interpreted Rule 16(ii)(a) of the Haryana Land Revenue Rules. Further that while removing a Headman under Rule 16(ii)(a) of the Rules, the focus should be on criminal proceedings which *prima facie* reflect that such Headman does not enjoy public trust, respect and confidence and cannot carry out duties of his office. However, learned Single Judge has erred by not reflecting upon the impact of criminal proceedings in the case of appellant and has wrongly stressed merely upon the factum of appellant being convicted.

3. We heard learned counsel for the appellant and perused the file of this case.

4. A perusal of the case shows that appellant was removed from the post of Lambardar of village Raipur, Tehsil and District Sonapat, since he was convicted in FIR No.34, dated 26.01.2009 and his conviction under Sections 149, 323,325 and 506 IPC was maintained upto this Court.

5. Order dated 07.06.2024 passed by the learned Financial Commissioner, Haryana, is detailed and self-speaking.

6. Admittedly, the appellant was convicted in case FIR No. 34 dated 26.01.2009 under Sections 323,325 read with 149 and 506 IPC. His conviction was upheld upto this Court in CR No.353 of 2017 decided vide order dated 20.03.2017. Furthermore in the inquiry held by the department on a complaint by some residents of village Raipur to the effect that appellant was a dishonest and quarrelsome person, the complaint was duly inquired into by the Collector, Sonipat

after issuing show cause notice to appellant, charges were found to be proved against him.

7. In our considered opinion, learned Single Judge, after considering all facts and circumstances, has correctly dismissed the CWP filed by appellant. Rule 16 of Haryana Land Revenue Rules, which deals with dismissal of Headman has been rightly interpreted by learned Single Bench.

8. The appellant was admittedly ordered to be removed from the post of Lambardar by learned Collector Sonapat while exercising his powers under Rule 16 of the Haryana Land Revenue Rules. Rule 16 provides for '*Dismissal of Headmen*' and reads as under:-

(i) A headman shall be dismissed when –

(a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence ; or

(b) in an estate owned altogether or chiefly by Government he ceases to possess the interest which led to his appointment ; or

(c) in any other estate he ceases to be a land-owner in the estate or sub-division of the estate in respect of which he holds office ; or

(d) he has mortgaged his holding and has delivered possession to mortgagee ; but in special cases the Collector may with the Commissioner's sanction retain him in his office under such circumstances, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties; or

(e) his holding has been transferred under section 7 of the Land Revenue Act, or the assessment thereof has been annulled under section 73 of the same Act.

(ii) A headman may be dismissed when –

(a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office ; or

(b) he is seriously embarrassed by debt, or if his unencumbered holding is so small as to disqualify him in the Collector's opinion for the responsibility attached to the office of headman ; or

(c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge the duties of his office ; or

(d) [there is reason to believe that he has taken part in, or concealed illicit distillation, or the smuggling of, cocaine, opium or charas] [*The Financial Commissioner's notification No. 3096-R, dated the 21st December, 1932.*] ;

(e) he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order.] [*The Financial Commissioner's notification No. 3096-R., dated the 21st December, 1932.*]

(f) he neglects to discharge his duties, or is otherwise shown to be incompetent;

(g) Omitted vide Haryana Notification No. GSR43/PA17/1887/s.28/Amd(2) 77 dated 10.3.1977.

9. Rule 20 of the Haryana Land Revenue Rules lays down the duties of Headman, which requires direct association of Lambardar with residents of the area for carrying out his work. Appellant admittedly stands convicted under Sections 323/325 read with Sections 149 and 506 IPC. It is further to be noted at this stage that allegation against the appellant to the effect that he is a dishonest and quarrelsome person having been convicted in a criminal case, was also inquired into by the Collector Sonapat and as per the enquiry report, charges

against him were found to be correct. Argument raised by learned counsel for appellant that instead of the sentence of imprisonment for three years alongwith fine of Rs.1000/-, appellant was released on probation for good conduct for a period of one year, thus, he could not have been removed from the post of Lambardar, is devoid of any merit, hence rejected. At this stage, it is pertinent to refer to the distinction between Rule 16(i) and Rules 16(ii) as has been correctly delineated by learned Single Bench as under:-

“(5.2) A perusal of above extracted Rule 16 of Haryana Land Revenue Rules would manifest that in sub-rule (i) of Rule 16, six clauses have been provided in which the circumstances have been prescribed under which a headman shall incur disqualification. In such cases, there is no scope for discretion and the person has to be necessarily declared disqualified if he is found to be covered by any of these clauses. On the other hand, in sub-rule (ii) of Rule 16, a discretion has been conferred on the Collector to consider the desirability of dismissing a person if he suffers from any of the disabilities or dis-qualifications prescribed in the seven clauses of this sub-rule. This sub-rule provides that headman can be disqualified if any of the circumstances mentioned in the clauses under this sub-rule come to occur. However, it is a matter left purely at the discretion of the collector and he is to decide in the circumstances of each case whether to disqualify a Lambardar or to take some other action against him if he is found to be involved in such activities.”

10. It is to be reiterated at this stage that the matter has been inquired into by the Collector on the complaint of certain villagers and charges against the appellant found to be correct after issuance of show cause of notice and opportunity of hearing to him.

11. It is a matter of record that for carrying out the duties of a Lambardar direct association with villagers is required as is the cooperation of villagers, which is possible only if Lambardar is able to command respect and regard from the residents. In the given factual matrix, it has been correctly by the learned Single

LPA-1272-2025 (O&M)**-6-**

Judge that appellant will not be able to command any respect from the public, which is a *sine qua non* for carrying out the duties of the post in question. Merely because the appellant was directed to be released on probation of good conduct instead of undergoing the sentence of three years is not a ground to cause interference as was vehemently argument by learned counsel for the appellant.

12. Thus, in the facts and circumstances as above, order dated 16.10.2018 passed by learned Collector removing the appellant from the post of Lambardar as further upheld by learned Divisional Commissioner as well as learned Financial Commissioner by passing a well reasoned order has thus been correctly upheld by learend Single Bench.

13. In view of the above, we do not find any infirmity in order dated 05.12.2024, passed by the learned Single Judge. Same is, therefore, upheld and present appeal is dismissed being devoid of any merit.

14. Pending applications, if any, also stand disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

June-06-2025
tripti

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes