

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6140-2025 (O/M)
Date of decision : 13.11.2025

Sukhjinder Singh Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. S.P.S. Tinna, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

CM-15823-CWP-2025

1. This is an application filed under Section 151 CPC for placing on record certain documents as Annexure A-1 to Annexure A-4.
2. For the reasons mentioned in application, same is allowed and documents (Annexure A-1 to Annexure A-4) are taken on record subject to all just exceptions.
3. Application is accordingly disposed of.

CWP-6140-2025

1. Prayer in the instant civil writ petition 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 26.02.2024 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner') and order dated 06.03.2020 (Annexure P-6), passed by learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner').

2. Briefly, on demise of Shri Nirmal Singh, previous Lambardar (General) of village Kundal, Teshil Abohar, District Fazilka, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Sukhjinder Singh) and respondent No. 4 (Satwinder Singh) were also the candidates.

2.1 The Naib Tehsildar, Abohar as well as Sub Divisional Magistrate, Abohar, recommended the candidature of petitioner for appointment to the aforesaid vacancy and placed the matter before learned Collector, Fazilka (in short 'Collector').

2.2 Learned Collector, vide order dated 30.01.2018 (Annexure P-4), appointed petitioner as Lambardar (General) of village Kundal.

2.3 Feeling aggrieved against learned Collector's order dated 30.01.2018 (Annexure P-4), respondent No. 4 preferred an appeal before learned Divisional Commissioner, which came to be allowed, vide order dated 06.03.2020 (Annexure P-6), whereby learned Collector's order dated 30.01.2018 (Annexure P-4) was set aside and respondent No. 4 was appointed as Lambardar (General) of village Kundal.

2.4 Being dis-satisfied, petitioner preferred an appeal (ROR-31-2020) before learned Financial Commissioner, which has been dismissed, vide order dated 26.02.2024 (Annexure P-8).

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

4. Learned counsel for petitioner has primarily raised two contentions before this Court; firstly, that learned Divisional

Commissioner has no jurisdiction to appoint respondent No. 4 as Lambardar (General) of village Kundal as same was only the prerogative of learned Collector and, therefore, the matter should have been remanded to learned Collector and secondly, that petitioner was more meritorious than respondent No. 4 and was rightly appointed by learned Collector as Lambardar (General), however, same was wrongly set aside by learned Divisional Commissioner.

5. I have considered the aforesaid contentions raised on behalf of petitioner. It is noticeable that in this case, although petitioner was appointed as Lambardar (General) of village Kundal by learned Collector, however, on an appeal being filed by respondent No. 4, learned Collector's order was set aside by learned Divisional Commissioner, vide order dated 06.03.2020 (Annexure P-6) by observing as under :-

“5. I have considered the arguments and perused the record of the case. According to Naqsha Lambardari the appellant Satwinder Singh is 54 years of age and owner of 4 Kanals of land whereas respondent Sukhjinder Singh is 40 years old and owner of 9 Acres of land. According to School transfer certificate dated 25.10.2017 issued by Principal Senior Secondary School, Kundal, the respondent left the school when he was studying in 6th Class. Therefore, his educational qualification is 5th Class and not 6th Class standard. The counsel for the appellant has produced report dated 4.9.2018 of Varinder Pal Singh Patwari Halqa Kundal, according to which appellant is owner of 36 Kanals of land and respondent Sukhjinder Singh is owner of 44 Kanals 7 Marlas of land. The respondent Sukhjinder Singh wrongly pleaded before the District Collector that he is owner of 9 Acres of land. He should have given correct figure of his land holdings. Therefore, the respondent No. 1

is not a trustworthy person and such type of persons cannot be allowed to hold the office of village Headman. Therefore, I accept the appeal, set aside the impugned order and appoint the appellant Satwinder Singh son of Joginder Singh as Lambardar of village Kunda, Tehsil Abohar, District Fazilka.”

5.1 A perusal of above extracted observations would show that learned Divisional Commissioner did not find petitioner as a trustworthy person on account of the fact that he had mis-represented regarding his educational qualification and also regarding his ownership of land. It has come on record that the educational qualification of petitioner was only 5th Class, whereas he had wrongly represented himself to be 6th pass. Similarly, as per report date 04.09.2018 of Halqa Patwari, petitioner was only owner of 44 Kanal-7 Marla of land, whereas he had represented that he was owner of 9 acres of land.

6. During the course of hearing of this writ petition, learned counsel for petitioner has not disputed the fact that petitioner had infact represented to revenue authorities that he was 6th pass and was owner of 9 acres of land. Evidently, there was mis-representation on behalf of the petitioner. The office of Lambardar is based on trust and confidence of the village community. A person whose conduct creates doubt or suspicion cannot command the necessary respect and regard of the residents. Without such confidence, the petitioner cannot effectively discharge the duties attached to the post of Lambardar. Accordingly, I find no error in the findings returned by learned Divisional Commissioner, which have been further affirmed by learned Financial Commissioner.

7. As regards contention of learned counsel for petitioner that learned Divisional Commissioner had no jurisdiction to appoint respondent No. 4 as Lambardar, suffice it to say that appellate authority as well as revisional authority has the jurisdiction to pass same order as passed by learned Collector in the matter of appoint of the Lambardar of a village. In this regard, a Division Bench of this Court in the case of '**Tak Ram Versus Financial Commissioner (Revenue), Haryana', 1998 (3) RCR (Civil) 90**, has held as under :-

“..... . The other contention of the learned counsel that the Commissioner or the Financial Commissioner had no jurisdiction to select a Village Headman-cum-Lambardar again cannot be accepted. The appellate or the Revisional Authority has a right to pass the same order that can be passed by the Collector. Thus the selection of Village Headman-cum-Lambardar by the Financial Commissioner cannot be set aside on that ground..”

8. As regards contention of learned counsel for petitioner that petitioner is more meritorious than respondent No. 4, suffice it to say that once the petitioner has not been found to be a trustworthy person, his better merits would be of no consequence.

9. Keeping in view the above discussion, I find no merit in this writ petition and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

13.11.2025

sjks

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