

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9303-2025 (O/M)

Date of decision : 08.07.2025

Bhagwan Dass

..... Petitioner

Versus

Financial Commissioner (Appeals) Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Bhagwan Dass) has filed the instant civil writ petition under Articles 226/227 of the Constitution of India, inter alia, for issuance of a writ in the nature of certiorari for setting aside the order dated 31.01.2020 (Annexure P-5), passed by the Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and also order dated 30.05.2024 (Annexure P-6), passed by learned Financial Commissioner (Appeals) Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Ujagar Singh, previous Lambardar (SC) of village Dhaul, Tehsil Balachaur, District SBS Nagar, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Bhagwan Dass) and respondent No. 4 (Paramjit Singh) were also the candidates.

2.1 The Tehsildar, Balachaur as well as Sub Divisional Magistrate, Balachaur recommended the candidature of petitioner

(Bhagwan Dass) for the aforesaid vacancy and placed the matter before learned Collector, SBS Nagar (in short 'Collector').

2.2 The learned Collector, vide order dated 28.04.2016 (Annexure P-4), appointed the petitioner (Bhagwan Dass) as Lambardar of village Dhaul.

2.3 Feeling aggrieved against aforesaid learned Collector's order dated 28.04.2016 (Annexure P-4), respondent No. 4 (Paramjit Singh) preferred an appeal before learned Divisional Commissioner, which came to be allowed, vide order dated 31.01.2020 (Annexure P-5), primarily on the ground that the petitioner works about 15-18 kilometer away from the village and is not readily available in the village, accordingly, he remanded the matter back to learned Collector to examine the issue of availability of the petitioner in the village.

2.4 Feeling aggrieved aggrieved against learned Divisional Commissioner's order dated 31.01.2020 (Annexure P-5), petitioner preferred a revision petition (ROR-170-2020) before learned Financial Commissioner, however, the same has been dismissed, vide order dated 30.05.2024 (Annexure P-6) by observing that the qualifications and availability in the village are the factors, impacting suitability of a candidate for the post of Lambardar.

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

4. Heard.

5. During the course of hearing, learned counsel for petitioner has not disputed the fact that he is running a scooter/motor cycle repair shop in village Kathgarh, which is about 15 kilometer away from village Dhaul. Although, the petitioner has taken a plea that he has employed

workers to work in the said shop, however, in my considered view, the aforesaid aspect is required to be examined by learned Collector, so as to conclude as regards the availability of the candidates in the village to carry out the duties to the post of Lambardar. It is well settled that availability of a person in the village is one of the primary requirement for appointment to the post of Lambardar, so as to carry out functions and discharge duties of such post. In the case of '**Gurinder Singh Versus State of Punjab and others**', 2015(3) RCR (Civil) 1041; this Court had observed that for rendering service to the village community, the presence of the Lambardar in the village has to be ensured and in the event of non-availability, the superior qualifications of a candidate are of no consequence.

6. Considering the totality of circumstances, I find no compelling reasons to interfere in the impugned order dated 30.05.2024 (Annexure P-6), passed by learned Financial Commissioner as well as order dated 31.01.2020 (Annexure P-5), passed by learned Divisional Commissioner, whereby the matter has been remanded to learned Collector to examine the issue of availability of the candidate in village.

7. Resultantly, the instant civil writ petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

08.07.2025

sjks

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