

2025:PHHC:048149



206

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

**CM-5038-CWP-2025 in/and
CWP-11170-2022
Date of Decision: 03.04.2025**

Navjot Saini

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vipin Mahajan, Advocate
for the applicant/petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. Munish Puri, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

CM-5038-CWP-2025:

Prayer in the instant application is for placing on record replication to the written statement filed by respondent No.4.

For the reasons mentioned in the application, the replication to written statement filed by respondent No.4 is taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-11170-2022:

Petitioner (Navjot Saini) 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 14.12.2016 (Annexure P-3) passed by the learned Divisional Commissioner, Jalandhar and order dated 04.10.2021 (Annexure P-6) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of demise of Sh. Neelam Kumar, previous Lambardar of Village Khoba, Block Gharota, Tehsil and District Pathankot; proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, two applications, i.e. of petitioner (Navjot Saini) and respondent No.4 (Surjit Singh), were received.

2.1 The learned Naib Tehsildar, Pathankot as well as the learned Sub Divisional Magistrate, Pathankot recommended the name of respondent No.4 (Surjit Singh) for appointment to the post of Lambardar and the matter was forwarded to the learned Collector, Pathankot.

2.2 The learned Collector, Pathankot, after considering the relative merits and demerits of the candidates, appointed the petitioner (Navjot Saini) as Lambardar of Village Khoba, vide order dated 20.10.2011 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 20.10.2011 (Annexure P-1), respondent No.4 (Surjit Singh) preferred an appeal before the learned Divisional Commissioner, Jalandhar, which was allowed vide order dated 14.12.2016 (Annexure P-3) and the matter was remanded to the learned Collector, Pathankot, for verifying the fact as to whether petitioner

(Navjot Saini) had been working in the Irrigation Department, i.e. a Government employee.

2.4 Being dissatisfied against the aforesaid order dated 14.12.2016 (Annexure P-3), petitioner (Navjot Saini) preferred a revision petition (ROR No.165 of 2017) before the learned Financial Commissioner (Appeals), Punjab, which came to be dismissed vide order dated 04.10.2021 (Annexure P-6).

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

4. Heard.

5. In the instant case, despite the fact that name of respondent No.4 (Surjit Singh) was recommended by the learned Naib Tehsildar, Pathankot and learned Sub Divisional Magistrate, Pathankot, for appointment to the post of Lambardar; the learned Collector, Pathankot, appointed the petitioner (Navjot Saini) as Lambardar of Village Khoba, vide order dated 20.10.2011 (Annexure P-1), by observing as under:-

“ - x - x -

6. After perusing the file and hearing the arguments addressed by advocates and the qualifications of the respective candidates and other relevant facts which have come on record and the post of respective officers I have come to the conclusion that Sh. Navjot Saini son of Sh. Neelam Kumar r/o village Khoba Hadbast No.200 Tehsil and District Pathankot who is son of early Lambardar and owns 1 Kanal land in the village as reflected by Assistant Collector, 1st Grade Pathankot in his report dated 10.06.2011, is aware of Lambardari Work and is fit for appointment as Lambardar. Keeping in view the aforementioned facts Sh. Navjot Saini son of Sh. Neelam

Kumar is appointed as new Lambardar of the village after the death of earlier Lambardar. The Sanad Lambardari be issued and file be sent back to SDM Pathankot. Order is pronounced.”

5.1 A perusal of the aforesaid findings returned by the learned Collector, Rupnagar shows that the petitioner was appointed as Lambardar of Village Khoba, primarily on the ground that he was the son of previous Lambardar, and therefore, he was aware of the lambardari work. It needs no reiteration that the hereditary claim has been held to be ultra vires the Constitution by a Division Bench of this Court in **“Karnail Singh v. The State of Haryana etc.”, 1973 PLJ 676’**.

6. The appeal filed against the aforesaid order dated 20.10.2011 (Annexure P-1) was allowed by the learned Divisional Commissioner, Jalandhar vide order dated 14.12.2016 (Annexure P-3) and the matter was remanded to the learned Collector, Pathankot, for verifying the fact as to whether the petitioner (Navjot Saini) had been working in the Irrigation Department, i.e. a Government employee. The said order was further upheld by the learned Financial Commissioner (Appeals), Punjab, vide order dated 04.10.2021 (Annexure P-6).

7. In the instant case, short reply dated 24.02.2023 by way of affidavit of Harbir Singh, I.A.S., Deputy Commissioner, Pathankot, has been filed on behalf of respondents No.1 to 3. Relevant extract thereof reads as under:-

“.... It is pertinent to mention here that petitioner Navjot Saini is working in Irrigation Department and is a Government employee. This fact was verified.”

8. Since the factum of petitioner being working in the Irrigation Department and being a Government employee, stands verified,

vide aforesaid short reply dated 24.02.2023, I find no compelling reason to interfere with order dated 14.12.2016 (Annexure P-3); which has been further upheld by the learned Financial Commissioner (Appeals), Punjab, vide order dated 04.10.2021 (Annexure P-6). Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

03.04.2025
Apurva

(HARSH BUNGER)
JUDGE

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