

2025:PHHC:053323



135

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

CWP-11303-2025

Date of Decision: 25.04.2025

Kulveer Chand

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ankush Thakral, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Kulveer Chand) 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 07.07.2022 (Annexure P-4) passed by the learned Collector, Sri Muktsar Sahib, whereby respondent No.4 (Baljinder Singh) was appointed as Lambardar of Village Kuraiwala, Tehsil Gidderbaha, District Sri Muktsar Sahib.

1.1 A further prayer has been made for setting aside order dated 11.01.2024 (Annexure P-6) passed by the learned Divisional Commissioner, Ferozepur and order dated 26.09.2024 (Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab, whereby the appeal and the revision petition, respectively, filed against aforesaid order dated 07.07.2022

(Annexure P-4) have been dismissed.

2. Briefly, on account of demise of Sh. Hakam Rai, previous Lambardar of Village Kuraiwala, Tehsil Gidderbaha, District Sri Muktsar Sahib; proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, eleven applications (including the one submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Tehsildar, Gidderbaha recommended the candidature of respondent No.4 (Baljinder Singh), whereas, the learned Sub Divisional Magistrate, Gidderbaha recommended the name of the present petitioner (Kulveer Chand) for appointment to the post of Lambardar and the matter was forwarded to the learned Collector, Sri Muktsar Sahib.

2.2 The learned Collector, Sri Muktsar Sahib, after considering the relative merits and demerits of the candidates, appointed respondent No.4 (Baljinder Singh) as Lambardar of Village Kuraiwala, vide order dated 07.07.2022 (Annexure P-4).

2.3 Feeling aggrieved against the aforesaid order dated 07.07.2022 (Annexure P-4), petitioner (Kulveer Chand) preferred an appeal before the learned Divisional Commissioner, Ferozepur, which was dismissed vide order dated 11.01.2024 (Annexure P-6).

2.4 Still dissatisfied, petitioner preferred a revision petition (ROR No.139 of 2024) before the learned Financial Commissioner, (Appeals), Punjab, which also came to be dismissed vide order dated 26.09.2024 (Annexure P-8).

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, respondent No.4 (Baljinder Singh) has been appointed as Lambardar of Village Kuraiwala by the learned Collector, Sri Muktsar Sahib, vide order dated 07.07.2022 (Annexure P-4). The said appointment has further been affirmed by the learned Divisional Commissioner, Ferozepur as well as by the learned Financial Commissioner (Appeals), Punjab, vide orders dated 11.01.2024 (Annexure P-6) and 26.09.2024 (Annexure P-8), respectively.

6. The only arguments raised by learned counsel for the petitioner is that the petitioner, who is about 25 years of age, is younger than respondent No.4, who is about 55 years of age; and petitioner is also more educated (12th pass) than respondent No.4 (10th pass); therefore, the authorities below have erred in law and fact in appointing respondent No.4 (Baljinder Singh) as Lambardar of Village Kuraiwala.

7. I have considered the aforesaid submissions made by learned counsel for the petitioner. Although, the petitioner is more educated than respondent No.4; however, respondent No.4 has also studied up to 10th standard, which does not make him ineligible for the post of Lambardar.

7.1 Further, no doubt, the age of a candidate is a relevant factor for appointment to the post of Lambardar and the Hon'ble Supreme Court in ***“Mahavir Singh v. Khiali Ram and others”, 2009(1) RCR (Civil) 757***, has also held that age of a candidate is a relevant factor; however, the age of a person is to be considered in the context of his physical ability and capacity to discharge his duties as a headman of the village. No such plea has been raised that respondent No.4 is incapacitated from discharging the functions of a Lambardar, in view of his age. There is nothing on record suggestive of the fact that any complaint was made against him that he is not able to

render his services properly owing to his old age. In this scenario, rejecting the claim of respondent No.4 on the ground that he is older than the petitioner, especially when he was appointed as Lambardar by the learned Collector; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in ***“Ram Kumar Versus The Financial Commissioner, Haryana and others”***, 2013 (2) RCR (Civil) 1038.

8. Moreover, it is well settled that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible; as held by a Division Bench of this Court in ***“Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab”***, 2016(1) RCR (Civil) 273.

9. Keeping in view the aforesaid facts and circumstances, I find no compelling reason to interfere with order dated 07.07.2022 (Annexure P-4) passed by the learned Collector, Sri Muktsar Sahib; which has been further upheld by the learned Divisional Commissioner, Ferozepur as well as the learned Financial Commissioner (Appeals), Punjab, vide orders dated 11.01.2024 (Annexure P-6) and 26.09.2024 (Annexure P-8), respectively. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

25.04.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No