

2025:PHHC:056382



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

**CWP-11912-2025
Date of Decision: 30.04.2025**

Harmail Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Harmail Singh) 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 20.03.2025 (Annexure P-6) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Joginder Singh, previous Lambardar of Village Alipur, Tehsil Amargarh, District Malerkotla; proceedings for filling up the said vacancy were initiated, whereupon, the petitioner (Harmail Singh) and respondent No.4 (Satgur Singh) applied for

the said vacancy.

2.1 The learned Naib Tehsildar, Amargarh as well as the learned Sub Divisional Magistrate, Malerkotla recommended the name of petitioner (Harmail Singh) for appointment to the post of Lambardar and the matter was forwarded to the learned Collector, Malerkotla.

2.2 The learned Collector, Malerkotla, after considering the relative merits and demerits of the candidates, appointed petitioner (Harmail Singh) as Lambardar of Village Alipur, vide order dated 13.04.2022 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 13.04.2022 (Annexure P-1), respondent No.4 (Satgur Singh) preferred an appeal before the learned Divisional Commissioner, Patiala, which was dismissed vide order dated 03.01.2024 (Annexure P-4).

2.4 Still aggrieved, respondent No.4 preferred a revision petition (ROR No.386 of 2024) before the learned Financial Commissioner (Appeals), Punjab, which came to be allowed vide order dated 20.03.2025 (Annexure P-6), whereby the matter was remanded to the learned Collector, Malerkotla, for passing a fresh order.

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 present case, petitioner (Harmail Singh) was appointed as Lambardar of Village Alipur by the learned Collector, Malerkotla, vide order dated 13.04.2022 (Annexure P-1).

5.1 Here, it would be apposite to refer to relative merits/demerits of the candidates, as noticed by the learned Collector, Malerkotla, which can be

summed up as under:-

S. No.	Particulars	Petitioner (Harmail Singh)	Resp. No.4 (Satgur Singh)
1	Age	44 years	42 years
2	Educational qualification	6 th Class	Matric
3	Land holding/s	10 Biswas	16 Bighas
4	Hereditary claim	Son of previous Lambardar	---
5	Recommended by	Naib Tehsildar, Amargarh and Sub Divisional Magistrate, Malerkotla	---

6. A perusal of order dated 13.04.2022 (Annexure P-1) shows that the learned Collector, Malerkotla had appointed the petitioner (Harmail Singh) as Lambardar of Village Alipur, by taking a note of the fact that he was the son of previous Lambardar and the lower revenue authorities had recommended his name for the said vacant post of Lambardar. Further, the learned Divisional Commissioner, Patiala, vide its order dated 03.01.2024 (Annexure P-4), had also upheld the petitioner’s appointment as Lambardar on the ground that he was the son of previous Lambardar.

7. 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’.**

8. The learned Financial Commissioner (Appeals), Punjab, vide order dated 20.03.2025 (Annexure P-6), has set aside the orders dated 13.04.2022 (Annexure P-1) and 03.01.2024 (Annexure P-4) passed by the Collector, Malerkotla and the Divisional Commissioner, Patiala, respectively, by holding as under:-

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- x - x -
6. I have heard Ld. counsel for both the parties, gone through their submissions and have also perused the orders of the courts below. The appointment of the respondent Harmail

Singh as lambardar of village Alipur, Tehsil Amargarh, District Malerkotla, by the District Collector on 13.04.2022 was made without properly considering the relevant factors under the Punjab Land Revenue Rules. The order appears to have been influenced largely by hereditary claims without giving sufficient importance to factors like age, education, land holding, influence and character, which are crucial when determining the most suitable candidate for the post. The District Collector did not properly evaluate the qualifications of both candidates as required under Rule 15 of the Punjab Land Revenue Rules. The reliance on hereditary succession alone, despite the fact that the petitioner possesses superior qualifications in terms of age, education and landholding, does not meet the legal requirements for the appointment. The appointment of Harmail Singh as lambardar, mainly based on hereditary grounds and his previous experience as sarbarah lambardar, cannot be justified when compared to the qualifications of the petitioner.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I accept the present revision petition and order dated 03.01.2024 passed by the Commissioner, Patiala Division, Patiala as well as order dated 13.04.2022 passed by District Collector, Malerkotla are hereby set aside. The matter is remanded to the District Collector, Malerkotla with a direction to pass the fresh order keeping in view the above-mentioned discussion.”

9. Considering the totality of circumstances as well as the observations made by the learned Financial Commissioner (Appeals), Punjab, vide order dated 20.03.2025 (Annexure P-6), I find no illegality or perversity in the impugned order dated 20.03.2025 (Annexure P-6), whereby the matter has been remanded to the Collector, Malerkotla, for deciding the matter afresh.

10. Resultantly, the instant writ petition fails and the same is

accordingly dismissed.

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

30.04.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No