

2025:PHHC:057964



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

**CWP-12207-2025
Date of Decision: 02.05.2025**

Iqbal Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Kumar Garg, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Iqbal 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 11.10.2023 (Annexure P-5) passed by the learned Collector, Mansa; order dated 21.02.2024 (Annexure P-7) passed by the learned Divisional Commissioner, Faridkot; and order dated 26.09.2024 (Annexure P-9) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Maghar Singh, previous Lambardar (Scheduled Caste) of Village Bakhshiwala, Tehsil Budhlada, District Mansa; proceedings for filling up the said vacancy were initiated. In pursuance to

the proclamation carried out for filling up the aforesaid vacancy, eight applications (including the one submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Naib Tehsildar, Bareta as well as the learned Sub Divisional Magistrate, Budhlada recommended the name of petitioner (Iqbal Singh) for appointment to the post of Lambardar (Scheduled Caste) and the matter was forwarded to the learned Collector, Mansa.

2.2 The learned Collector, Mansa, appointed the petitioner (Iqbal Singh) as Lambardar (Scheduled Caste) of Village Bakhshiwala vide order dated 11.05.2022 (Annexure P-3).

2.3 Feeling aggrieved against the aforesaid order dated 11.05.2022 (Annexure P-3), respondent No.4 (Satvir Singh) preferred an appeal before the learned Divisional Commissioner, Faridkot, who, vide its order dated 26.10.2022 (Annexure P-4) allowed the said appeal and remanded the matter to the learned Collector, Mansa to decide the matter afresh.

2.4 Upon remand, the learned Collector, Mansa, appointed respondent No.4 (Satvir Singh) as Lambardar (Scheduled Caste) of Village Bakhshiwala vide order dated 11.10.2023 (Annexure P-5).

2.5 Being dissatisfied with order dated 11.10.2023 (Annexure P-5), petitioner (Iqbal Singh) preferred an appeal before the learned Divisional Commissioner, Faridkot, which was dismissed vide order dated 21.02.2024 (Annexure P-7).

2.6 Still dissatisfied, petitioner preferred a revision petition (ROR No.403 of 2024) before the learned Financial Commissioner (Appeals), Punjab, which also came to be dismissed vide order dated 26.09.2024 (Annexure P-9).

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, respondent No.4 (Satvir Singh) was appointed as Lambardar (Scheduled Caste) of Village Bakhshiwala by the learned Collector, Mansa, vide order dated 11.10.2023 (Annexure P-5). The said order has further been affirmed by the learned Divisional Commissioner, Faridkot and the learned Financial Commissioner (Appeals), Punjab, vide orders dated 21.02.2024 (Annexure P-7) and 26.09.2024 (Annexure P-9), respectively.

6. The learned Financial Commissioner (Appeals), Punjab, vide its order dated 26.09.2024 (Annexure P-9), while upholding the appointment of respondent No.4 (Satvir Singh) as Lambardar of Village Bakhshiwala, has observed as under:-

“ - 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 petitioner, Iqbal Singh, is facing a criminal trial in FIR No.192 dated 11.10.2017, under Sections 419, 420, 467, 468, 477 and 120-B of the IPC, which is still pending before the competent court. It is well-established that every authority responsible for making such appointments is required to be cautious and vigilant in selecting candidates for public offices. One of the key factors in making such appointments is ensuring that the candidate has a clean antecedent and a positive image in the community. The involvement of the petitioner in ongoing criminal cases, including serious charges under the IPC, is sufficient to disqualify him for the post of Lambardar. The importance of appointing a person of integrity, who commands respect in the area and is free from any criminal background, cannot be overstated. The role of a

Lambardar requires a person who embodies moral standing and trustworthiness, qualities that are compromised when the candidate is involved in criminal proceedings. Once the background of the candidate is such that it does not inspire respect in the community, particularly due to criminal cases, the discretion exercised by the District Collector in appointing the private respondent, Satvir Singh, over the petitioner cannot be regarded as perverse. In fact, it is in line with the intention to appoint someone with a clean record who can effectively fulfill the responsibilities of the post. Furthermore, the latest judgment of the Hon'ble Division Bench in the case of Harjit Singh vs State of Punjab and others has held that even in cases of acquittal, an individual with a criminal background is not eligible for the appointment of Lambardar. This principle reflects the necessary scrutiny that must be applied when considering candidates for positions of public trust. Even in the matters of appointment of Lambardar, the District Collector is the appointing authority. His choice is to be respected unless it is found that the order suffers from any illegality or perversity. The orders passed by the Collector and Divisional Commissioner reflect a judicious application of mind, considering all relevant aspects, including the comparative merits of the parties. Even the Hon'ble Punjab and Haryana High Court in case of Tarsem Singh versus Financial Commissioner Cooperation Punjab, 2011 (3) Law Herald 2484 has held that the Collector being the head of administration at the basic level, is best placed to judge the suitability of a candidate as he directly interacts with the candidates at the time of appointment. Similarly, in Satpal versus State of Haryana and Others, 2011 (3) LAR 636 (P&H), it was observed that the choice of the Collector in the matter of appointing a Lambardar should not normally be interfered with unless the Collector has taken a perverse view or not exercised his choice judiciously. The Hon'ble Supreme Court in Mahavir Singh versus Khiali Ram and Others, 2009 (1) RCR (Civil) 757 has further clarified that there should not be

interference with the choice made by the Collector in the appointment of Lambardar, as it is the prerogative of the Collector to compare the merits of the candidates. It is important to note that the District Collector, as the appointing authority, has the discretion to assess all aspects before selecting a candidate. Unless there is clear evidence that this discretion was used unfairly or unlawfully, it should not be interfered with. The petitioner has not demonstrated any illegality or irregularity in the process or findings of the lower authorities.

7. Therefore, keeping in view the aforesaid facts and circumstances, I dismiss the present revision petition and the orders dated 21.02.2024 passed by the Commissioner, Faridkot Division, Faridkot as well as order dated 11.10.2023 passed by the District Collector, Mansa are hereby upheld. Copy of this order be communicated to the courts below. File be consigned to the record room.”

5.1 A perusal of the aforesaid extracted order shows that the petitioner was involved in a criminal case bearing FIR No.192 dated 11.10.2017, registered under Sections 419, 420, 467, 468, 477 and 120-B of the Indian Penal Code. There is no manner of doubt that petitioner has been rightly non-suited for the post of Lambardar.

6. 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.**

7. Keeping in view the aforesaid facts and circumstances, I find no illegality or perversity in order dated 11.10.2023 (Annexure P-5) passed by the learned Collector, Mansa; order dated 21.02.2024 (Annexure P-7) passed by the learned Divisional Commissioner, Faridkot; and order dated

26.09.2024 (Annexure P-9) passed by the learned Financial Commissioner (Appeals), Punjab. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

02.05.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No