

**CWP-11623 of 2023****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-11623 of 2023****Date of Decision: November 20, 2025****Rachhpal Singh****..... Petitioner****Versus****Financial Commissioner (Appeals) Punjab and others****.... Respondent****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: - Mr. C. M. Munjal, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG., Punjab.

Mr. Vinay Bajaj, Advocate
for respondent No.4.

HARSH BUNGER, J. (ORAL)

1. The prayer in the present petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for setting aside the order dated 10.11.2021 (Annexure P-2), passed by respondent No.2-Commissioner, Faridkot Division, Faridkot and order dated 02.02.2023 (Annexure P-3), passed by respondent No.1-Financial Commissioner (Appeals), Punjab.

2. Reply on behalf of respondent No.4 has been filed in Court today and the same is taken on record. Copy thereof has been handed over to learned counsel for the petitioner.

2.1 Upon request of learned counsel for petitioner as well as learned counsel for respondent No.4, the matter has been taken up for final disposal.

3. Briefly, upon demise of Sh. Balvir Singh, previous Lamberdar (General Category) of Village Pathrala, Tehsil and District Bathinda, proceedings were initiated for filling up the vacancy wherein the petitioner-Rachhpal Singh, respondent No.4-Balkaran Singh and respondent No.5-Gurdeep Singh were the candidates.

4. The learned Collector, Bathinda upon considering the merits and de-merits of the candidates found the petitioner-Rachhpal Singh as a suitable candidate and accordingly vide order dated 15.07.2021 (Annexure P-1) appointed the petitioner as Lamberdar of the Village Pathrala.

5. Feeling dissatisfied, respondent No.4-Balkaran Singh preferred an appeal before the learned Commissioner, Faridkot Division, Faridkot. Similarly, another candidate namely Gurdeep Singh (respondent No.5) also challenged the Collector's order by filing his separate appeal before learned Commissioner, Faridkot, Division, Faridkot. Both the aforesaid appeals were decided by learned Commissioner vide a common order dated 10.11.2021 (Annexure P-2), whereby the learned Commissioner set aside the Collector's order and appointed respondent No.4-Balkaran Singh as a Lamberdar of Village Pathrala, primarily on the ground that respondent No.4 is the son of the deceased Lamberdar.

6. Feeling aggrieved, the petitioner preferred an appeal before the learned Financial Commissioner, Punjab which was dismissed vide order dated 02.02.2023 (Annexure P-3). In the aforesaid circumstances, the present writ petition has been filed before this Court for seeking the relief as noticed herein-above.

7. Heard.

8. Apparently, the petitioner-herein was appointed as a Lamberdar of Village Pathrala by the learned Collector, Bathinda vide order dated 15.07.2011 by observing that petitioner is more educated than the other candidates; and was having sufficient land holding to the extent of 40 Kanals and also that his name was recommended by Lower Revenue Officers. The Collector's order has been set aside by learned Commissioner vide order dated 10.11.2021 (Annexure P-2) by observing that respondent No.4-Balkaran Singh is son of the deceased Lamberdar and therefore, he has a hereditary claim. The Commissioner's order have been further affirmed by the Financial Commissioner, Punjab, Chandigarh vide order dated 02.02.2023 (Annexure P-3).

9. In my considered view, the learned Commissioner as well as the Financial Commissioner have erred in law in passing the impugned orders inasmuch as the preference of a candidate on the basis of a hereditary claim has already been held to be *ultra vires* in **the case of Karnail Singh Vs. State of Haryana 1973 PLJ 676.**

10. At this stage, another contention has been raised by learned counsel for respondent No.4 that respondent No. 4 is younger in age than the petitioner, therefore he deserves to be preferred.

11. I have considered the aforesaid contention raised by respondent No.4, however, I find no merit in the same as the age of a candidate is to be seen in the context of his capacity to discharge the duties of Lamberdar. It is not the case of respondent No.4 that the petitioner on account of his advanced age is incapacitated to discharge the duties of a Lamberdar. A similar view was taken by a Division Bench of this Court in the case of **Ram Kumar Vs. The Financial Commissioner, Haryana and others, 2013 (2) RCR (Civil) 1038.**

12. Upon considering the totality of circumstances, I am of the considered view that the learned Collector had rightly appointed the petitioner as a Lamberdar; however, the learned Commissioner had wrongly set aside the choice of the Collector, which is contrary to the well settled position in law that in the matter of appointment of the Lamberdar, the choice of the Collector is not to be rightly interfered with even if two views are possible; unless there is any patent illegality or perversity. Even learned Financial Commissioner has erred in appreciating the aforesaid position in law and wrongly affirmed the order passed by learned Commissioner.

13. Resultantly, the present writ petition is allowed. The order dated 10.11.2021 (Annexure P-2) and order dated 02.02.2023

(Annexure P-3) passed by the learned Commissioner as well as the learned Financial Commissioner, Punjab, respectively are set aside and the order dated 15.07.2021 (Annexure P-1) passed by the learned Collector appointing the petitioner as Lamberdar, is maintained.

14. All pending application(s), if any, shall also stand disposed of.

(HARSH BUNGER)
JUDGE

November 20, 2025
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Whether speaking/reasoned	Yes
Whether Reportable	Yes