

LPA-1398-2022

2025:PHHC:081772-DB



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

**LPA-1398-2025 (O&M)
Date of Decision: July 08, 2025**

Prabhkar Singh and othersAppellants

Versus

State of Punjab and others Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Ramandeep Singh Brar, Advocate for the appellants.

LISA GILL, J.

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1. Heard.
2. For the reasons mentioned in the application as well as arguments addressed, delay of 13 days in filing the appeal is condoned.
3. Application is, accordingly, disposed of.

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1. Prayer in this appeal is for setting aside order dated 18.03.2025 passed by learned Single Bench whereby CWP-7390-2025 filed by appellant/writ petitioners has been dismissed.
2. CWP-7390-2025 was filed by appellant/writ petitioners for setting aside order dated 02.12.2024 passed by Financial Commissioner (Appeals) Punjab and restoring order dated 22.02.2024 passed by Assistant Collector 1st

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Grade-cum-Sub Divisional Magistrate, Jaitu and order dated 19.07.2024 passed by District Collector, Faridkot.

3. Proceedings for filing up the post of Lambardar of Village Ran Singh Wala, Tehsil Jaitu, District Faridkot were initiated on the demise of Mr. Harnek Singh. Three applications including the application submitted by respondent No. 6 – Nirbhai Singh were received. Assistant Collector 2nd Grade, Jaitu recommended candidature of respondent No. 6 and forwarded the matter to SDM Jaitu. Appellant/writ petitioners filed an application before SDM, Jaitu with the allegations that no notice much less any proclamation was made in the village for filling up vacant post of Lambardar, thus, they could not apply for the post. It was requested that proceedings should be carried out afresh to fill up the post. SDM, Jaitu vide order dated 22.02.2024 remanded the matter to Assistant Collector 2nd Grade with the direction to initiate fresh proclamation. Appeal filed by respondent No. 6 was dismissed by the Collector vide order dated 19.07.2024. Revision petition filed by respondent No. 6 was, however, allowed by the Financial Commissioner (Appeals) on 02.12.2024. Aggrieved therefrom, CWP-7390-2025 was filed with the averment that proclamation for the post in question had not been made in the village and that process had been carried out in a clandestine manner and that respondent No. 6 was facing a criminal complaint and, thus, not a fit candidate for appointment.

4. Learned Single Bench while considering order dated 02.12.2024 passed by learned Financial Commissioner noted that a specific finding of fact had been recorded by Financial Commissioner (Appeals) Punjab that proclamation was infact conducted in village Ran Singh Wala on 02.11.2023 through Chowkidar and Rapat Rojnamcha No. 90 dated 02.11.2023 was duly entered in this respect in the Register, which also bore signatures of Lambardar

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Bhola Singh. It is held in impugned order that once clear finding of fact was recorded that proclamation was actually carried out in the village and in the absence any material to the contrary, bald plea of petitioners that no munadi was carried out, cannot be considered. Accordingly, writ petition was dismissed. Aggrieved therefrom, present appeal has been filed by the appellants.

5. Learned counsel for appellants submits that learned Single Bench has erred on facts and in law while passing impugned order dated 18.03.2025. It is submitted that respondent No. 6 was Sarpanch of the village at the given point of time and proclamation had been carried out in a clandestine manner under his influence. It is, thus, prayed that this appeal be allowed and impugned order dated 18.03.2025 be set aside. Consequently, writ petition be allowed as prayed for.

6. We have heard learned counsel for appellants and have perused the file with his able assistance.

7. As per the record, proclamation for inviting applications for the post of Lambardar of village Ran Singh Wala was carried out on 02.11.2023 through Chowkidar. Rapat Rojnamcha dated 02.11.2023 in this respect was duly entered. Proceedings bear signature of Lambardar Bhola Singh. Last date for inviting applications was 15.11.2023. Three applications were received. It is further a matter of record that verification of character antecedents was carried out from the local police, upon which Assistant Collector 2nd Grade, Jaitu recommended the name of respondent No. 6 on 15.02.2024. Matter was forwarded to SDM-cum-Assistant Collector 1st Grade, Jaitu. It is before the SDM that the present appellant filed an application with the allegations that proclamation had not been conducted. It is merely upon their statements that

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SDM directed initiation of fresh proceedings. It is correctly held by Financial Commissioner that no independent inquiry etc. was made by Assistant Collector 2nd Grade, Jaitu in this regard and that there is no material on record to indicate that proclamation was not carried out on 02.11.2023 or that entry in Rapat Rojnamcha No. 90 dated 02.11.2023 in this regard is incorrect.

8. Learned counsel for appellants is unable to point out any material on record which would indicate that proclamation was indeed not carried out. Insofar as the allegation that respondent No. 6 had concealed the factum of pendency of criminal complaint against him pending before learned JMJC, Faridkot is concerned, the same is within realm of consideration by the Collector at the time of final decision in the matter.

9. Learned counsel for appellants is unable to point out any illegality, infirmity or irregularity in impugned order dated 18.03.2025 which calls for interference.

10. No other argument has been addressed.

11. Appeal being devoid of any merit is, thus, dismissed.

12. Pending application(s), if any, stand(s) dismissed.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 08, 2025
Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No