



LPA-1386-2024 (O&M)

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

**LPA-1386-2024 (O&M)
Date of decision: 27.11.2025**

LAKHVIR SINGH

...APPELLANT

VERSUS

**LD FINANCIAL COMMISSIONER
PUNJAB AND ORS.**

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. B.S. Seemar, Advocate for the appellant.

Mr. Sunny K. Singla, Advocate for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, challenge is to the order dated 22.04.2024 passed by the learned Single Judge, vide which, the case was remanded back to the Collector for fresh consideration regarding the appointment of a Lambardar for Village Jogimajra, Tehsil Payal, District Ludhiana.

2. The contention raised on behalf of the learned counsel appearing on behalf of the appellant is that once the appellant was appointed as Lambardar after due consideration, the remand of the case by learned Single Judge for fresh consideration only on the ground that the appellant was convicted subsequent to the appointment is incorrect as, the learned Single Judge has ignored the fact that subsequent to the conviction, in an appeal filed, the appellant has already been acquitted of the allegation under Section 138 of Negotiable Instruments Act, 1881. He further argues that the consideration

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given by the authority has to be given due respect and any conviction, even subsequent to the appointment, can only lead to the action for disqualification but the appointment already made cannot be held to be illegal on the basis of subsequent facts, which has been ignored by the learned Single Judge.

3. Learned counsel appearing on behalf of the respondents submits that though, one of the ground raised before the learned Single Judge was that the appellant has been convicted but, primarily, the grievance raised before the authority was that the exclusion of the private respondents for consideration for appointment as a Lambardar of the village was based upon the version that he was working as a teacher in a college, which was incorrect. Therefore, the remand of the case by the learned Single Judge in the facts and circumstances of the present case is valid.

4. We have heard learned counsel for the parties and have gone through the record with their assistance.

5. It may be noticed that the eligibility and disqualification is to be seen upto the date of appointment as Lambardar. In case any such disqualification is adapt prior to the appointment, the same will invalidate the appointment itself but in case any disqualification is suffered after the appointment that can only lead to taking action against the Lambardar, in accordance with law, who has suffered disqualification after the appointment.

6. In the present case, the appointment of the appellant as a Lambardar was in Februray, 2014, by the Collector, on which date the complaint filed under Section 138 of Negotiable Instruments Act,1881 was not there as the same was only filed in June, 2014, which resulted into his conviction on 09.02.2015. Thereafter, on an appeal preferred, on 18.01.2019, the appellant

has already been acquitted of the allegations under Section 138 of Negotiable

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Instruments Act, 1881. That being so, it is clear that on the date when the appointment was made, there was no disqualification suffered by the appellant on account of his conviction rather there was no proceeding even pending on such date. Learned Single Judge has not appreciated the fact that even on the date when a fresh consideration has been ordered, the appellant had already been acquitted of the allegations under Section 138 of Negotiable Instruments Act, 1881. That being so, the remand of the case by the learned Single Judge, in the facts and circumstances of the present case for fresh consideration is not correct appreciation of the facts on record.

7. The argument raised by learned counsel for the private respondent is that he was ousted from the zone of consideration by the authority arbitrarily, by relying upon the fact which was non-existent, hence, the learned Single Judge has rightly considered the fact. Regarding the said fact, for remanding the case, it may be noticed that the learned Single Judge has not remanded the case back due to invalid consideration of the respondents for the post of Lambardar. The remand of the case is only on the basis of the conviction. Even otherwise, all the authorities have considered the claim of the private respondents and found that the appellant was more suitable with regard to the claim that the respondent was not working. It has already come on record that he might not be working on regular basis but he was discharging the duty in the said college which is a conceded fact. Once the said fact has been taken into consideration by the authority while adjudging the suitability of the candidate, the Court cannot interfere unless and until such consideration is perverse to the facts or the law.

8. Keeping in view the totality of the circumstances, the order dated 28.03.2019 passed by the learned Single Judge is set aside. However, in case,



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the State intends to proceed against the appellant having suffered any disqualification, the State will be within its jurisdiction to adopt such procedure, as warranted by law.

9. Appeal is allowed.

[HARSIMRAN SINGH SETHI]
JUDGE

[VIKAS SURI]
JUDGE

27.11.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No