



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

**CWP-11743-2017 (O&M)
Date of Decision : 21-11-2025**

JATINDER PAL SINGH

.....Petitioner

VERSUS

**THE FINANCIAL COMMISSIONER (APPEALS) PUNJAB AND
ORS.**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Randhir Singh Thind, Advocate for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG Punjab.

Mr. R.K Shukla, Advocate for respondent No.4.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Article 226/227 of the Constitution of India *inter alia* is for issuance of a writ in the nature of Certiorari for setting aside the order dated 09.12.2014 (Annexure P-1) passed by learned District Collector, Patiala and order dated 17.04.2017 (Annexure P-3) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Chet Ram, previous Lambardar of village Bujrak, Tehsil Samana, District Patiala, proceedings were initiated for filling up the vacancy, wherein petitioner-Jatinder Pal Singh and respondent No.4-Amrit Pal Singh were also the candidates.

3. The learned Tehsildar, Samana recommended the candidature of the petitioner-Jatinder Pal Singh whereas the SDM, Samana recommended the candidature of respondent No.4-Amrit Pal Singh for

appointment to aforesaid vacancy and the matter was placed before the learned Collector, Patiala.

3.1 The learned Collector, Patiala, after considering the relevant merits and demerits of the candidates, found respondent No.4-Amrit Pal Singh as a suitable candidate and, accordingly, appointed him as the Lambardar of Village Bujrak vide order dated 09.12.2014 (Annexure P-1).

3.2 Feeling aggrieved against the aforesaid order passed by the learned Collector, the petitioner-Jatinder Pal Singh preferred an appeal before the learned Commissioner, Patiala Division, Patiala. The said appeal was allowed vide order dated 11.03.2015 (Annexure P-2), whereby the Collector's order was set aside and the petitioner-Jatinder Pal Singh, was appointed as Lambardar of Village Bujrak.

3.3 Feeling aggrieved, respondent No.4-Amrit Pal Singh preferred an appeal (ROA No.73 of 2015) before the learned Financial Commissioner (Appeals) Punjab, which has been allowed vide order dated 17.04.2017 (Annexure P-3) whereby, the order passed by the learned Commissioner was set aside and the order of learned Collector appointing respondent No.4 as the Lambardar of Village Bujrak has been maintained.

4. In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief(s) as noticed hereinabove.

5. Heard.

6. Apparently, the respondent No.4-Amrit Pal Singh, was appointed as the Lambardar of Village Bujrak by the learned Collector however, the learned Commissioner had set aside the Collector's order and appointed the petitioner as the Lambardar primarily on the ground that the petitioner is younger in age and more educated than the respondent No.4 and

by further observing that the respondent No.4 was working as a Commission Agent in Village Mavi Kalan and therefore, he would not be accessible to the village people for discharging the duties of Lambardar.

6.1 Evidently, the learned Commissioner's order has been set aside by the learned Financial Commissioner vide order dated 17.04.2017 (Annexure P-3) and the order of the Collector appointing respondent No.4- Amrit Pal Singh as the Lambardar has been maintained. The relevant extract of the findings affirmed by the learned Financial Commissioner reads as under:-

“7. I have considered the written as well as oral arguments put forth by counsels for both the parties and also perused the orders of the lower authorities. Counsels for both the parties admitted that village Mavi Kalan, where the appellant runs a shop of Commission agent, is at a distance of only 5-7 KMs from the village Bujrak, to which the Lambardari pertains. Both appellant and the respondent are residents of the village, Bujrak.

8. Hon'ble Punjab and Haryana High Court in Ramandeep Singh's case reported as 2015(1) RCR (Civil) 696 has held that serving at some reasonable distance will not in any way interfere in discharge of duties as Lambardar. The same view has been taken by Hon'ble Punjab and Haryana High Court in Duli Chand v/s State of Haryana and another, 2013 (1) RCR (Civil) 1010, where in it has been held that a person who is working at some reasonable distance cannot be ignored for the appointment of Lambardar. It has been held that:-

“It is settled principle of law that the order of the Collector can only be set aside if the order suffers from illegality or perversity. The Commissioner as well as Financial Commissioner have not recorded any finding with regard to perversity in the order passed by the District Collector. The order of the District Collector has been set aside by the Commissioner on the ground that petitioner is working at

Faridabad which is at a distance of 25 kilometers from the village and this fact has not been considered by the District Collector. This cannot be a ground to hold the order of the district Collector illegal. Being non-resident of the village does not amount to perversity. As per the provisions contained in Rule 15 of the Lambardari Rules, the person is required to have estate/land in the same revenue estate/village. Only relevant condition is the property of the candidate possessed in the estate to secure the land revenues which he is to collect as Lambardar. There is no specific provision that he must be having residence in the village. Otherwise also for sake of livelihood the tendency to move towards the urban area is commonly seen as the better educational and employment opportunities are not available in the rural areas at par with those available in the urban areas. In my view it will not make any difference if one works at some reasonable distance. Merely on the ground that he is working at some distance, he cannot be ignored on this score alone. Otherwise also there is a specific provision in rule 27 of the Lambardari Rules for appointment of substitute Lambardar. In cases where the Government servants, who were working at different places and appointed as Lambardar, appointment of substitute Lambardar/Sarbrah Lambardar to work on behalf of actual Lambardar, has been allowed."

Further in CWP 782 of 2010 titled as Sukhchain Singh v/s Financial Commissioner, Punjab reported as 2011 (4) RCR (Civil) 569 the Hon'ble Punjab and Haryana High Court has held as under:

In view of the dictum of Hon'ble Apex Court in the matter of Mahavir Singh vs. Khiali Ram and others reported in 2009 (3) SCC 439, opinion of the Collector in case of the appointment of Lambardar should not be disturbed until and unless, higher authorities or this Court find that the learned Collector has escaped important material or action of the Collector seems to be out of extraneous consideration or Collector has been misled. Learned Financial Commissioner has not recorded any finding that Collector was ever misled by placing irrelevant material or has escaped important material while forming opinion in favour of the petitioner or action of the Collector seems to

be out of extraneous consideration. Merely because petitioner is having one shop 6 kms away from the village is no ground to disturb the finding of the Collector on the basis of apprehension that petitioner may not be available to the villagers. Undisputedly, petitioner is resident of the same village and is residing in the same village, therefore, having shop 6 kms away from the village would not be a ground to disturb the opinion of the Collector.

In the present case, the Commissioner has set aside the choice of the Collector on the ground that the appellant would not be available in the village as he is working as Commission Agent in a nearby village Mavi Kalan. The order of the Commissioner is based on an apprehension only. Merely because the appellant is also working as a Commission Agent in a nearby village, does not mean that he will not be available in the village to perform duties as a Lambardar. As has been held by the Hon'ble High Court of Punjab and Haryana in the citation mentioned above, a Lambardar cannot be expected to be an unemployed or merely engaged in agricultural activities. Thus the order of the Commissioner cannot be sustained. On the other hand, the order of the Collector is well reasoned and does not suffer from any perversity or illegality. The Collector has discussed the comparative merits of the candidates and has concluded that the appellant is more meritorious on the grounds that he is mature, is supported by the village residents, has a better financial position than the respondent as he owns more land, takes part in the village welfare activities and is available to the village residents in times of their need.

9. In view of peculiar facts and circumstances of the case, I deem it fit and appropriate to set aside the order dated 11.03.2015 passed by the Commissioner, Patiala Division, Patiala and uphold the order of the District Collector, Patiala dated 09.12.2014. The appeal is accepted."

7. I have gone through the order passed by the learned Financial Commissioner and I find no illegality or perversity therein.

8. No doubt, the petitioner is younger in age than the respondent No.4-Amrit Pal Singh; however, the age of a candidate is to be considered in the context of his/her physical ability and capacity to discharge his/her duties as the head man/woman of the village. No such plea has been raised that the respondent No.4 is incapacitated from discharging the functions of Lambardar on account of his age. Further, there is nothing on record suggestive of the fact that the any complaint was made against the respondent No.4 that he is not able to render his services properly owing to his age. In these circumstances, mere fact that petitioner is younger in age than the respondent No.4 could not be made a ground for setting aside the appointment of the respondent No.4 as the Lambardar. Still further, although petitioner is more educated than the respondent No.4, however, mere higher educational qualification, per se does not necessarily mean that he would make a good Lambardar, nor any minimum educational qualification is prescribed under the Punjab Land Revenue Rules for appointment of Lambardar

9. Moreover, the order passed by the learned Financial Commissioner is in consonance with the well settled position in law that in the matter of appointment of the Lambardar, the choice of Learned Collector is not to be lightly interfered with, even if two views are possible unless there is any patent illegality or perversity therein. The Hon'ble Division Bench of this Court in LPA No. 2217 of 2024 titled as ***Murti Devi Vs. State of Haryana & Ors.***, decided on 09.07.2025; has also observed as under:

“8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed

*out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in **Neeraj Kumar Vs. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325**”*

10. Considering the totality of the circumstances, I find no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

21-11-2025
Sapna Goyal

(HARSH BUNGER)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO