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

**CWP-16376-2025 (O&M)
Date of Decision: 06.08.2025**

Pardeep Goyal

....Petitioner

Versus

The Financial Commissioner, Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Amandeep Singh, Advocate
for the petitioner.

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

HARSH BUNGER, J. (Oral)

Petitioner (Pardeep Goyal) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 14.12.2021 (Annexure P-2) passed by the learned Collector, Ludhiana; order dated 14.03.2023 (Annexure P-4) passed by the learned Commissioner, Patiala Division, Patiala and order dated 02.12.2024 (Annexure P-6) passed by the learned Financial Commissioner, Punjab.

2. Briefly, on demise of Sh. Charanjeet Singh, previous *lambardar* (General category) of Village Khanna Kalan, Tehsil Khanna, District Ludhiana, proceedings were initiated for filling up the vacancy; wherein the petitioner- Pardeep Goyal as well as respondent No.5- Rohit Kumar were the candidates.

2.1 The Naib Tehsildar, Khanna recommended the candidature of

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one Sh. Jagjeet Singh for appointment to the aforesaid vacancy, however, Sub Divisional Magistrate, Khanna recommended the candidature of respondent No.5- Rohit Kumar for filling up the aforesaid vacancy and forwarded the matter to the learned Collector, Ludhiana.

2.2 The learned Collector, Ludhiana after considering the relative merits and de-merits of the candidates, found respondent No.5- Rohit Kumar to be a suitable candidate and accordingly appointed him as *lambardar* of Village Khanna Kalan vide order dated 14.12.2021 (Annexure P-2).

2.3 Thereafter, the petitioner challenged the Collector's order by filing an appeal before the learned Commissioner, Patiala Division, Patiala. Similarly, three other candidates namely Jagjeet Singh, Jaideep Goyal and Iqbal Singh also preferred their separate appeals against the Collector's order and all the four appeals came to be dismissed by the learned Commissioner, Patiala Division, Patiala vide a common order dated 14.03.2023 (Annexure P-4).

2.4 Still aggrieved, the petitioner preferred a revision petition (ROR-663-2023) before the learned Financial Commissioner, similarly, another candidate namely Jaideep Goyal filed a separate revision petition (ROR-664-2023). Both the aforesaid revision petitions were also dismissed by the learned Financial Commissioner vide a common order dated 02.12.2024 (Annexure P-6).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs as noticed above.

4. Heard.

5. In the instant case, respondent No.5- Rohit Kumar has been appointed as *lambardar* of Village Khanna Kalan, by the learned Collector by observing as under:



“After listening to the counsels of the candidates and examining the documents received, these facts come to light that the Sub-Divisional Magistrate, Khanna, considering the candidate, Mr. Rohit Kumar as a suitable candidate, has recommended him to be made the nambardar. Many respected persons of the village have recommended him to be made the nambardar. He is a 10th class pass, is young and is also in good health. A FIR was registered against him in the year 2010. But as per the report, his conduct is now fine. He is not a defaulter of any bank or society. As per the report, he is not affiliated with any political party. Keeping in view the above facts, I have come to the conclusion that the candidate Shri Rohit Kumar is a more qualified candidate for the post of Numbardar than the other candidates. Therefore, the candidate Shri Rohit Kumar son of Shri Suman Kumar is appointed as Numbardar of village Khanna Kalan, tehsil Khanna, district Ludhiana, in the vacant post after the death of the corresponding Numbardar Shri Charanjit Singh. The order is passed and the order and completion of the file should be entered in the record room.”

6. The learned Collector's order has been further affirmed by the learned Commissioner, Patiala Division, Patiala as well as by the learned Financial Commissioner, Punjab.

7. The only argument raised by learned counsel for the petitioner is that respondent No.5- Rohit Kumar was involved in a criminal case, therefore he has been wrongly appointed as the *lambardar*.

8. I have considered the aforesaid submissions raised on behalf of the petitioner, however, suffice it to say that the case FIR No.144 dated 01.06.2010 was registered against respondent No.5- Rohit Kumar wherein, he was not sentenced and only a fine of Rs.1,000/- was imposed upon him. In the narration of all the details, the fact of involvement of respondent No.5- Rohit Kumar in a criminal case has been mentioned by learned

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Collector, yet it has not influenced the opinion of the learned Collector while appointing respondent No.5- Rohit Kumar as the *lambardar*. It is noticed that the case against respondent No.5- Rohit Kumar was initiated in the year 2010, whereas the proceedings for appointment of *lambardar* of village Khanna Kalan in the present case was initiated in the year 2019. There is nothing on record to show that even after 2010, the conduct and character of respondent No. 5 has been unsatisfactory. The learned Collector has specifically recorded in his order dated 14.12.2021 (Annexure P-2) that the conduct of respondent No.5- Rohit Kumar is now fine.

8.1 If a person erred in the past or has deviated from the path of rectitude, it cannot be presumed that he has not turned over a new leaf unless there are cogent reasons for doing so. In the absence of evidence of continuing tendency for crime or misconduct, it would be more apposite to assume that with greater maturity, a man may have overcome his earlier weaknesses. Considering the peculiar facts and circumstances of the present case, I am of the considered view that it would be inappropriate to link old misdemeanour of respondent No. 5 with the current conduct. Accordingly, the aforesaid contention of the petitioner is rejected.

9. Even otherwise, it is well settled that in the matter of appointment of *lambardar*, the choice of Collector is not to be lightly interfered with even if two views are possible, unless there is patent illegality or perversity. Recently, 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 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**”.*

9.1 Furthermore, Collector’s order has been affirmed by learned Commissioner as well as learned Financial Commissioner.

10. Keeping in view the above, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

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

06.08.2025
Himani

(HARSH BUNGER)
JUDGE

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