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

**CWP-15948-2025
Date of Decision: 28.05.2025**

Harvinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Harvinder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 11.05.2022 (Annexure P-3) passed by the learned Collector, S.A.S. Nagar (Mohali); order dated 12.05.2023 (Annexure P-2) passed by the learned Commissioner, Rupnagar; and order dated 28.11.2024 (Annexure P-1) passed by the learned Financial Commissioner, Punjab.

2. Briefly, upon demise of Sh. Prem Singh, previous Lambardar of Village Jeoli, Tehsil Dera Bassi, District S.A.S. Nagar (Mohali); proceedings for filling up the said vacancy were initiated, whereupon petitioner (Harvinder Singh) and respondent No.4 (Kulwant Singh) applied for the said vacancy.

2.1 The concerned Tehsildar as well as the Sub Divisional Magistrate, Dera Bassi recommended the name of respondent No.4

(Kulwant Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, S.A.S. Nagar (Mohali).

2.2 The learned Collector, S.A.S. Nagar (Mohali), after considering the relative merits and demerits of the candidates, appointed respondent No.4 (Kulwant Singh) as Lambardar of Village Jeoli, vide order dated 11.05.2022 (Annexure P-3).

2.3 Feeling aggrieved against the aforesaid order dated 11.05.2022 (Annexure P-3), petitioner (Harvinder Singh) preferred an appeal before the learned Commissioner, Rupnagar, which was dismissed vide order dated 12.05.2023 (Annexure P-2).

2.4 Still dissatisfied, petitioner (Harvinder Singh) filed a revision petition (ROR No.988 of 2024) before the learned Financial Commissioner, Punjab, which came to be dismissed vide order dated 28.04.2024 (Annexure P-1).

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

4. Heard.

5. Concededly, respondent No.4 (Kulwant Singh) was appointed as Lambardar of Village Jeoli by the learned Collector, S.A.S. Nagar (Mohali), vide order dated 11.05.2022 (Annexure P-3). The said order was further affirmed by the learned Commissioner, Rupnagar and the learned Financial Commissioner, Punjab, vide orders dated 12.05.2023 (Annexure P-2) and 28.04.2024 (Annexure P-1), respectively.

5.1 While affirming the Collector's order dated 11.05.2022 (Annexure P-3), whereby respondent No.4 (Kulwant Singh) was appointed as Lambardar of Village Jeoli, the learned Financial Commissioner, Punjab,

vide its order dated 28.04.2024 (Annexure P-1), observed as under:-

“ - x - x -

6. I have heard Ld. Counsel for both the parties, gone through their submissions and have also perused the orders of the courts below. The Collector while making the appointment has found that the respondent is working in a private company, Akums Life Science LTD., Lalru. As such his availability for the villagers on of the important factor to be considered. The petitioner, although having worked as Sarbarah Lambardar, was found to be involved in certain criminal cases and was employed with a private company, which hindered his availability for the villagers during the day hours. Once person himself is not available, it would frustrate the purpose and would cause harassment to the general public. If a choice has to be made between a person who has his residence in the village and has largely continuous presence being accessible to the people and one who is likely to be away from the village on a consistent and recurrent basis due to his working interest, the choice would must fall on the person who is available in village. Even one criminal case of FIR No.197 dated 02.10.2006, although he was acquitted by the Court of Judicial Magistrate 1st Class Dera Bassi on 24.05.2013. Every authority is supposed to require that the candidate having the clean antecedents and image and has to be all more cautious and vigilant while selecting candidates for public offices. Involvement of petitioner in criminal cases is enough to disqualify petitioner for post of lambardar. The endeavor of revenue authorities should be to appoint person of clean integrity and image. Even as per the latest judgment of the Division Bench in case of Harjit Sigh vs. State of Punjab and others reported in 2023(4) RCR (Civil) 408, in which it has been held that “Where criminal cases are registered and even on acquittal, person is not eligible for appointment as Lambardar”. As such the District Collector has rightly rejected the candidature of the petitioner and appointed the

respondent as the Lambardar of the village. In the matters related to the appointment of Lambardar, the District Collector is the appointing authority. The choice made by the District Collector is required to be respected unless it is found that the order suffers from any illegality or perversity. Even the Hon'ble Punjab and Haryana High Court in case of Tarsem Singh versus Financial Commissioner Cooperation Punjab, 2011 (3) Law Herald 284 has held that the Collector, being the head of administration at the basic level, is best placed to judge the suitability of a candidate as he directly interacts with the candidates at the time of appointment. Similarly, in Satpal versus State of Haryana and Others, 2011 (3) LAR 636 (P&H), it was observed that the choice of the Collector in the matter of appointing a Lambardar should not normally be interfered with unless the Collector has taken a perverse view or not exercised his choice judiciously. The Hon'ble Supreme Court in Mahavir Singh versus Khiali Ram and Others, 2009 (1) RCR (Civil) 757 has further clarified that there should not be interference with the choice made by the Collector in the appointment of Lambardar, even if two views are possible, as it is the prerogative of the Collector to compare the merits of the candidates.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismiss the present revision petition and the orders dated 12.05.2023 passed by the Commissioner, Rupnagar Division, Rupnagar as well as order dated 11.05.2022 passed by Deputy Commissioner-cum-District Collector, SAS Nagar are hereby upheld. Copy of this order be communicated to the courts below. File be consigned to the record room."

6. I have considered the reasoning rendered by the learned Financial Commissioner, Punjab, vide its order dated 28.04.2024 (Annexure P-1), wherein it has been observed that the petitioner was involved in a criminal case, although he was acquitted later on, but, as per

the settled position of law, the endeavor of the revenue authority should be to appoint a person of clean integrity and image.

7. That apart, it is well settled that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible; as held by a Division Bench of this Court in ***“Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab”, 2016(1) RCR (Civil) 273.***

8. When the case in hand is examined in light of the settled law pertaining to the appointment of Lambardar, this Court does not find any perversity in impugned orders dated 11.05.2022 (Annexure P-3), 12.05.2023 (Annexure P-2) and 28.11.2024 (Annexure P-1) passed by the Collector, S.A.S. Nagar (Mohali), Commissioner, Rupnagar and the Financial Commissioner, Punjab, respectively. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

28.05.2025*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No