

CWP-16439-2025 (O/M)

-1-

2025:PHHC:078016

CWP-16488-2025 (O/M)

2025:PHHC:078011

155, 156 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 02.07.2025

CWP-16439-2025 (O/M)

2025:PHHC:078016

Harwinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals) Punjab and others Respondents

CWP-16488-2025 (O/M)

2025:PHHC:078011

Harwinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals) Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sunny K. Singla, Advocate
for the petitioner.
Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.
Mr. R.K. Shukla, Advocate
for caveator-respondent No. 6 in CWP-16488-2025.

:-

:-

HARSH BUNGER, J. (ORAL)

1. This order shall dispose of aforementioned two writ petitions
i.e. CWP-16439-2025 and CWP-16488-2025, as both arise out of
same/common order.

1.1 Prayer in CWP-16439-2025 filed under Articles 226/227 of
the Constitution of India, inter alia, for issuance of a writ in the nature of
certiorari for setting aside the order dated 19.09.2024 (Annexure P-5),
passed by the learned Financial Commissioner (Appeals), Punjab (in
short 'Financial Commissioner').

1.2 Prayer in CWP-16488-2025 filed under Articles 226/227 of
the Constitution of India, inter alia, for issuance of a writ in the nature of

certiorari for setting aside the order dated 19.09.2024 (Annexure P-5), passed by the learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

1.3 For brevity, facts have been taken from CWP-16488-2025.

2. Briefly, on demise of Shri Joginder Singh, previous Lambardar (General) of village Basti Gobind Nagar, Samana, District Patiala, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Harwinder Singh), respondent No. 4 (Baljinder Singh), respondent No. 5 (Gurwinder Singh) and respondent No. 6 (Gurdial Singh) were also the candidates.

2.1 The Assistant Collector 2nd Grade, Samana as well as Assistant Collector 1st Grade, Samana recommended the candidature of petitioner (Harwinder Singh) for the aforesaid vacancy and placed the matter before learned Collector, Patiala (in short 'Collector').

2.2 The learned Collector, vide order dated 27.10.2020 (Annexure P-3), appointed petitioner (Harwinder Singh) as Lambardar of village Basti Gobind Nagar.

2.3 Feeling aggrieved against aforesaid learned Collector's order dated 27.10.2020 (Annexure P-3), respondent No. 4 (Baljinder Singh) as well as respondent No. 5 (Gurwinder Singh) preferred their separate appeals before learned Divisional Commissioner, however, both the appeals came to be dismissed, vide a common order dated 14.03.2022 (Annexure P-4).

2.4 Still aggrieved, respondent No. 4 (Baljinder Singh) as well as respondent No. 5 (Gurwinder Singh) preferred their separate revision petitions before learned Financial Commissioner, which were allowed,

vide impugned order dated 19.09.2024 (Annexure P-5), whereby the orders passed by learned Collector as well as learned Divisional Commissioner were set aside and the matter was remanded to learned Collector with a direction for fresh evaluation as regards relevant factors including education, land holding, experience and community support etc.

3. In the aforementioned circumstances, the petitioners have filed separate civil writ petitions seeking relief(s), as noticed hereinabove.

4. Heard.

5. Here, it would be relevant to extract the relative merits of the candidates (as noticed by learned Collector); which is as under :-

Description	Petitioner (Harwinder Singh)	Respondent No. 4 (Baljinder Singh)	Respondent No. 5 (Gurwinder Singh)
Age	45	38	44
Education	5 th	BA	MA
Land holding	78 Kanal – 4 Marla	20 Kanal	40 Kanal – 5 Marla
Recommendation	Assistant Collector 1 st Grade as well as Assistant Collector 2 nd Grade, Samana	--	--
Remarks	Son of deceased lambardar	--	--

5.1 A perusal of the aforesaid chart would show that respondents No. 4 and 5 are younger in age and more educated than the petitioner (Harwinder Singh). That apart, all the candidates are having landholding.

5.2 In this case, although the petitioner was appointed as Lambardar by learned Collector, which was further affirmed by learned Divisional Commissioner, however, learned Financial Commissioner set aside the orders passed by learned Collector and learned Divisional

Commissioner, vide order dated 19.09.2024 (Annexure P-5), by observing as under :-

“7. I have heard Ld. Counsel for both the parties, gone through their submissions and have also perused the order of the courts below. The appointment of respondent No. 1 as Lambardar requires re-evaluation. The orders passed by the Collector and Commissioner lack a detailed analysis of the comparative merits of the candidates, particularly the educational qualifications, social contributions, and alleged criminal cases and conduct of respondent No. 1. The petitioners, both holding higher academic qualifications and having demonstrated significant involvement in social welfare activities, present a strong case for reconsideration. The pending criminal cases against Respondent No. 1, as well as the discrepancies in his educational certificates, were not adequately examined, raising serious concerns about the fairness and legality of the appointment process. It is a well-settled principle that every authority must ensure that candidates for public offices possess clean antecedents and a respectable image. The involvement of a candidate in criminal case, even if acquitted, is sufficient to disqualify them from holding such a position, as held by the Division Bench of the Hon'ble Court in Harjit Singh vs State of Punjab and others. The primary endeavour of revenue authorities should be to appoint individuals of unimpeachable integrity and character, as the role of a Lambardar demands trust, respect, and credibility within the community. When a candidate's background is tainted by involvement in criminal proceedings, their eligibility for such a position is fundamentally compromised. In this context, the discretion exercised by the District Collector in appointing Respondent No. 1, despite the stronger credentials and clean records of the petitioners, cannot be sustained.

8. *Therefore, keeping in view the aforesaid facts and circumstances of the case, I accept both the revision petitions and the orders dated 14.03.2022 passed by Commissioner, Patiala Division, Patiala as well as order dated 27.10.2020 passed by the District Collector, Patiala are hereby set aside. The matter is remanded to the District Collector, Patiala with a direction for a fresh evaluation, where all relevant factors, including education, landholding, experience, and community support, must be properly considered before passing an order. Copy of this order be communicated to the courts below. Record of the lower courts also be returned back. This order be placed on both connected revision petitions.”*

5.3 A perusal of above extracted findings returned by learned Financial Commissioner would show that one of the factors, which weighed in the mind of the learned Financial Commissioner, while remanding the matter to learned Collector for fresh consideration, is that the petitioner is stated to be involved in a criminal case. The said fact as regards involvement of the petitioner in a criminal case has not been denied by the petitioner, however, it is stated that the petitioner was arrayed as an accused in case FIR No. 187 dated 27.11.2020, registered under Sections 341, 323, 506, 34 IPC at Police Station City Samana, however, a cancellation report was submitted in the said FIR, which has been accepted by the concerned Court, vide order dated 09.09.2023 (Annexure P-7). It is further noticed that the petitioner is involved in another case FIR No. 70 dated 29.05.2020, registered under Sections 323, 324, 341, 506, 34 IPC at Police Station City Samana, as stated by him in para 7 of the writ petition, however, the fate thereof has not been disclosed.

5.4 Be that as it may, this Court in ***Mohinder Singh Versus Financial Commissioner, Haryana and others, LAR 95 (P and H)***, held that the endeavour of the revenue authorities is to appoint individuals of unimpeachable integrity and character as the role of a Lambardar demands trust, respect and credibility within the community.

5.5 That apart, learned Collector while appointing the petitioner as Lambardar, got swayed by the fact that the petitioner is the son of deceased Lambardar and, therefore, he has knowledge of Lambardari work. In my considered view, the aforesaid fact, in essence, amounts to giving preference to hereditary claim, which otherwise has been held to be offending Article 14 of Constitution of India; by a Division Bench of this Court in '***Karnail Singh Versus State of Haryana and others***', 1973 PLJ 676.

5.6 I am also of the view that the educational qualification is a relevant consideration for the appointment of Lambardar as the same would clearly fall for consideration under the aspect of 'ability' of a candidate, especially taking into consideration the nature of duties to be performed by Lambardar.

6. Considering the totality of circumstances, I am of the view that the relevant merits and demerits of the candidates require a re-look by learned Collector, so that best suitable candidate be appointed as Lambardar; after considering all the relevant factors, as noticed hereinabove and also contained in Rule 15 of Land Revenue Rules.

7. In view of above, I find no merit in both the writ petitions and same are accordingly dismissed.

CWP-16439-2025 (O/M)
CWP-16488-2025 (O/M)

-7- 2025:PHHC:078016
2025:PHHC:078011

8. However, considering the fact that the proceedings are pending since 2019, I deem it appropriate to direct that the final decision in the matter be taken by learned Collector, Patiala, within a period of six months from today.

9. Photocopy of this order be placed on connected case file.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

02.07.2025
sjks

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