



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

115

LPA-1731-2025

Date of Decision: 25.08.2025

Satpal

....Appellant

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Sukhvir Singh Sahu, Advocate for the appellant.

Mr. Minkal Rawal, Advocate for respondent No.4.

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 03.05.2025 passed in CWP-13075-2023 by the learned Single Judge by which, the writ petition filed by the petitioner qua the selection of the private respondent as Lambardar, has been dismissed.

2. Learned counsel appearing on behalf of the appellant argues that even though, the post of Lambardar which became available after the death of the father of the appellant, respondent No.4–Rajesh Kumar was recommended by the Tehsildar as well as by the SCO (C) but ultimately, the Collector vide order dated 31.03.2014 appointed the appellant as a Lambardar relying upon his hereditary claim. The said appointment of the appellant as a Lambardar was challenged by respondent No.4 before the Divisional Commissioner but the said claim of respondent was dismissed on 30.03.2016 but eventually the Financial Commissioner allowed the ROR No.284 of 2015-16 filed by



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respondent No.4 on 01.04.2019 and remanded the case back to Collector for fresh consideration upon the matter and again, the Collector who is the competent authority for adjudication of such a claim, appointed the appellant on 26.06.2019, which decision of the Collector dated 26.09.2019 has been set aside by the Divisional Commissioner, vide order dated 17.11.2021 and upon revision by respondent No.4 the same has been upheld by the Financial Commissioner on 06.05.2023.

3. Learned counsel for the appellant submits that once, the Collector even on remand of case for fresh adjudication appointed the appellant as a Lambardar, the same could not have been interfered with by the authorities concerned including the Divisional Commissioner and the Financial Commissioner, which fact has been ignored by the learned Single Judge while dismissing the writ petition filed by the appellant. It is further argued that change of the selected candidate by the Divisional Commissioner is contrary to the judgment passed in LPA-929-2014 titled ***Jagdish Singh vs. State of Punjab and others***, decided on 29.05.2014.

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

4. A bare perusal of the factual matrix of the present case clearly goes to show that the Tehsildar and the SCO (C) after considering the relative merit of the appellant and respondent No.4 – Rajesh Kumar, recommended the name of Rajesh Kumar for appointment as Lambardar. The Collector despite non-recommendation of the name of the appellant for appointment as Lamberdar, appointed him as a Lambardar and ultimately, the said appointment which was done on hereditary basis was found to be contrary to

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the settled principle of law was set aside and remanded back for fresh consideration.

5. In the fresh consideration, the Assistant Collector Grade-I though appointed the appellant only on the ground that after his first appointment as Lambardar, he has got the work experience whereas respondent No.4 – Rajesh Kumar has no experience of working on the said post. The said ground taken for appointment by authority concerned has been considered by the revenue authorities and the said authorities reached to the conclusion that the same could not have been done as, when the appellant was appointed in the year 2014, he had no experience of working on said post and any experience which has been gained on the basis of the appointment which appointment has been set aside, could not have been taken into account.

6. Further, in case, respondent No.4 would have been appointed as Lambardar on the basis of recommendation by Tehsildar and SDO (C), then, he would have also got the enough experience. The situation is to be seen from the date of the application i.e. in 2014 wherein, condededly, neither the appellant nor respondent No.4 – Rajesh Kumar had any experience of working on the post in question and therefore, the order which was passed by the Collector on 26.09.2019 was rightly set aside by the revenue authorities, which order has been upheld by the learned Single Judge.

7. Further, it may be noticed that upon considering the comparative merit, except for the Collector, all the other authorities are of the view that respondent No.4 has a better claim over the said post. Once, the said finding has been recorded not only by the revenue authorities but also by the learned Single Judge, no ground is made for interfering in the same.



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8. Learned counsel for the appellant has placed reliance on ***Jagdish Singh's case (supra)***, to strengthen the claim of the appellant, by stating that since in the said case, at the initial stage, the candidate selected was appointed to the post in question, same should have been done in case of appellant, which was concededly not done, as even though the appellant was appointed to the said post by the Collector initially yet he has been denied the same at later stage.

9. Learned counsel for the appellant has failed to appreciate the fact that in the said case, the Division Bench of this Court has given weight to the recommendation of SDM, by stating that the same has been done by taking into consideration a lot of aspects, such as language known, land owned etc., and in the present case, the name was recommended was that of respondent No.4 by the Tehsildar and SDO(C) hence, in the present case, ***Jagdish Singh's case (supra)***, will not be applicable.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the appeal is dismissed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 25, 2025
Varinder

Whether speaking/reasoned : Yes

Whether reportable : No