

2025:PHHC:078347



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

**CWP-17739-2025
Date of Decision: 02.07.2025**

Daljit Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sherry K.Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. Rajeshwar Singh Thakur, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

Petitioner (Daljit 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 13.09.2017 (Annexure P-2) passed by the learned Divisional Commissioner, Faridkot and order dated 02.05.2025 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Mohinder Singh, previous Lambardar (General Category) of Village Jogewala, Tehsil Talwandi Sabo, District Bathinda; proceedings for filling up the said vacancy were initiated, whereupon petitioner (Daljit Singh) and respondent No.4

(Narinder Pal Singh) also applied for the said vacancy. It appears that ultimately, only petitioner and respondent No.4 were left in the fray.

2.1 The learned Tehsildar, Talwandi Sabo as well as the learned Sub Divisional Magistrate, Talwandi Sabo recommended the candidature of respondent No.4 (Narinder Pal Singh) for appointment to the post of Lambardar, and the matter was forwarded to the learned Collector, Bathinda.

2.2 The learned Collector, Bathinda, after considering the relative merits and demerits of the candidates, appointed petitioner (Daljit Singh) as Lambardar of Village Jogewala, vide order dated 26.11.2015 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 26.11.2015 (Annexure P-1), respondent No.4 (Narinder Pal Singh), preferred an appeal before the learned Divisional Commissioner, Faridkot, which was allowed vide order dated 13.09.2017 (Annexure P-2), whereby, the matter was remanded to the learned Collector, Bathinda, for fresh decision.

2.4 Being dissatisfied with order dated 13.09.2017 (Annexure P-2), petitioner (Daljit Singh) filed a revision petition (ROR No.73 of 2017) before the learned Financial Commissioner (Appeals), Punjab, which came to be dismissed vide order dated 02.05.2025 (Annexure P-5).

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

4. Heard.

5. In the present case, the petitioner was initially appointed as Lambardar by the learned Collector, Bathinda vide order dated 26.11.2015 (Annexure P-1). However, upon an appeal filed by respondent No.4, the learned Divisional Commissioner, Faridkot, vide order dated 13.09.2017

(Annexure P-2), set aside the order dated 26.11.2015 (Annexure P-1) and remanded the matter to the learned Collector, for a fresh decision. It is pertinent to note that while setting aside the Collector's order, the learned Divisional Commissioner observed that respondent No.4 is the son of the deceased Lambardar, namely Mohinder Singh, and that his name had been recommended by the learned Tehsildar, Talwandi Sabo as well as the learned Sub Divisional Magistrate, Talwandi Sabo. The learned Divisional Commissioner further noted that the petitioner was involved in a criminal case bearing FIR No.166 dated 14.08.2013, registered under Sections 336, 427, 506, 148 & 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act. The Divisional Commissioner concluded that the relevant factors, as prescribed for the appointment of a Lambardar, were not duly considered by the learned Collector. Accordingly, order dated 26.11.2015 (Annexure P-1) passed by the learned Collector, Bathinda was set aside and the matter was remanded for fresh consideration by the learned Divisional Commissioner, Faridkot vide order dated 13.09.2017 (Annexure P-2). The said order was subsequently upheld by the learned Financial Commissioner (Appeals), Punjab vide order dated 02.05.2025 (Annexure P-5).

6. Before this Court, the sole submission made by learned counsel for the petitioner is that the matter was remanded by the learned Divisional Commissioner primarily on the ground that the petitioner was found to be involved in a criminal case. It is contended that the petitioner has since been acquitted in the said case, and as such, no disqualification can be attributed to his candidature for the post of Lambardar on that basis.

7. I have considered the aforesaid submission made by learned counsel for the petitioner, however, I find no merit in the same. It is well settled that the act and conduct of Lambardar has to be above board and

considering the fact that petitioner was involved in a criminal case, it is doubtful that villagers would possess faith in him.

7.1 A Division bench of this Court in ***“Harjit Singh v. State of Punjab”***, 2023(4) RCR (Civil) 408; held that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar. The relevant extract thereof reads as under: -

“5. The appellant has also placed on record the criminal proceedings as such in which the respondent Sahib Singh was involved, which would go on to show that he was involved in a sessions case and was tried by the Additional Sessions Judge, Kangra at Dharamshala under Sections 402, 399, 395 read with Section 34 IPC in an incident which had taken place on 11.03.1999. The allegations were that four persons had got down in front of the Commission Agent who was carrying the amount of commission from different shopkeepers and were armed with sharp edged weapons and they hijacked his vehicle alongwith cash which he had kept in his car and he had thus been robbed of Rs.9,50,000/-. It is another matter as such that eventually, the case ended in acquittal on the ground that the recovery of the currency notes could not be linked with the commission of the crime. It is also to be noticed that out of the accused persons, three of them were residents of villages falling under Police Station Sujampur, Pathankot, Punjab including Sahib Singh. The recovery was also effected of Rs.4,73,941/- and though as noticed above, the acquittal is on technical grounds as such. The Maruti car which had also been hijacked on 11.03.1999 was also subsequently found abandoned without number plates in the fields. It was held by the trial Court that on account of the fact that the identification in Court by the complainant was after more than 1 year of the occurrence and since the accused were not known to him and it was only for a short time they had interacted and he had himself stated that he had not seen the faces of the unidentified persons, the Court had given benefit as such. The allegations

were grossly serious and in such circumstances, merely because the District Collector did not specifically refer to them but had gone through the list of cases and kept the principle in mind as laid down by this Court, we are of the considered opinion that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar...”

8. In the present case, the learned Divisional Commissioner, Faridkot has merely remanded the matter to the learned Collector, Bathinda, for a fresh decision. The view taken by the learned Divisional Commissioner has also been affirmed by the learned Financial Commissioner (Appeals), Punjab vide order dated 02.05.2025 (Annexure P-5).

9. Considering the totality of circumstances, I find no illegality or perversity in order dated 13.09.2017 (Annexure P-2) passed by the learned Divisional Commissioner, Faridkot and order dated 02.05.2025 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

9.1 It goes without saying that the petitioner would be well within his rights to raise all the pleas before the learned Collector, Bathinda, who shall consider and decide the matter afresh, purely on the basis of the comparative merits and demerits of the candidates, in accordance with law.

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

02.07.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No