

2025:PHHC:092830



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

**CWP-17408-2025(O&M)
Date of Decision: 25.07.2025**

Ravinder Kumar

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... 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. Hunarveer Sharma, Advocate
for caveator/respondent No.4.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 24.12.2024 (Annexure P-6) passed by the learned Collector, Fazilka, whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali, Tehsil and District Fazilka.

1.1 A further prayer has been made for setting aside order dated 26.05.2025 (Annexure P-10) passed by the learned Financial Commissioner

(Appeals), Punjab, whereby the order dated 24.03.2025 (Annexure P-7) passed by the learned Commissioner, Ferozepur Division, Ferozepur, appointing the petitioner as Lambardar, was set aside and the Collector's order dated 24.12.2024 (Annexure P-6) was restored.

2. Briefly, upon demise of Sh. Harbhajan Lal, previous Lambardar (General Category) of Village Chak Kheyo Wali, proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, twenty six applications (including the one submitted by the petitioner and another by respondent No.4) were received.

2.1 The learned Naib Tehsildar, Arniwala Sheikh Subhan, learned Tehsildar, Fazilka as well as the learned Sub Divisional Magistrate, Fazilka recommended the name of respondent No.4 for appointment to the post of Lambardar and forwarded the matter to the learned Collector, Fazilka.

2.2 The learned Collector, Fazilka, after interacting with all the candidates and considering their relative merits and demerits, found respondent No.4 (Baldev Raj) to be the most suitable candidate and appointed him as Lambardar of Village Chak Kheyo Wali, vide order dated 24.12.2024 (Annexure P-6).

2.3 Feeling aggrieved against the aforesaid order dated 24.12.2024 (Annexure P-6), petitioner (Ravinder Kumar) and another candidate, namely Surinder Kumar, preferred two separate appeals before the learned Divisional Commissioner, Ferozepur, which came to be decided vide common order dated 24.03.2025 (Annexure P-7), whereby the Collector's order dated 24.12.2024 (Annexure P-6) was set aside and the petitioner (Ravinder Kumar) was appointed as the Lambardar of Village Chak Kheyo Wali.

2.4 Being dissatisfied, respondent No.4 (Baldev Raj) and the aforesaid Surinder Kumar preferred two separate revision petitions, bearing ROA No.15 of 2025 and ROR No.335 of 2025, respectively, before the learned Financial Commissioner (Appeals), Punjab, which came to be decided vide common order dated 26.05.2025 (Annexure P-10), whereby order dated 24.03.2025 (Annexure P-7) passed by the learned Divisional Commissioner, Ferozepur was set aside and the Collector's order dated 24.12.2024 (Annexure P-6) was restored.

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

4. Learned counsel for the petitioner submits that the learned Collector, Fazilka has erred in law and fact in passing the order dated 24.12.2024 (Annexure P-6), whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali, despite the petitioner being younger in age and more educated than respondent No.4 (Baldev Raj). It is submitted that the learned Divisional Commissioner, Ferozepur, vide order dated 24.03.2025 (Annexure P-7), had rightly set aside the Collector's order, but the same was erroneously restored by the learned Financial Commissioner (Appeals), Punjab, vide order dated 26.05.2025 (Annexure P-10).

4.1 With the aforesaid submissions, learned counsel for the petitioner has prayed for setting aside order dated 24.12.2024 (Annexure P-6) passed by the learned Collector, Fazilka and order dated 26.05.2025 (Annexure P-10) passed by the learned Financial Commissioner (Appeals), Punjab.

5. Heard.
6. Here, it would be apposite to state the relative merits of the petitioner and respondent No.4 (as noticed by the learned Collector, Fazilka), which can be summed up as under:-

Sr. No.	Particulars	Petitioner (Ravinder Kumar)	Resp. No.4 (Baldev Raj)
1.	Age	36 years (as on date 38 years)	57 years (as on date 59 years)
2.	Educational qualification	12 th class pass+Diploma in Computer Application (DCA)	10 th class pass
3.	Land holding(s)	41 Kanal-2 Marla	41 Kanal
4.	Recommended by	Gram Panchayat	Naib Tehsildar, Tehsildar and Sub Divisional Magistrate

6.1 A perusal of the above chart shows that no doubt, the petitioner is younger in age than respondent No.4; and the age of a candidate is a relevant factor for appointment to the post of Lambardar, however, the age of a person is to be considered in the context of his physical ability and capacity to discharge his duties as a headman of the village. No such plea has been raised that respondent No.4 is incapacitated from discharging the functions of a Lambardar, in view of his age. There is nothing on record suggestive of the fact that any complaint was made against him that he is not able to render his services properly owing to his old age. In this scenario, rejecting the claim of respondent No.4 on the ground that he is older than the petitioner, especially when he was appointed as Lambardar by the learned Collector; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in **“Ram Kumar Versus The Financial Commissioner, Haryana and others”, 2013 (2) RCR (Civil) 1038.**

6.2 Further, although the petitioner has studied up to 10+2 and is more educated than respondent No.4, who has studied up to 10th standard;

however, only on that account, respondent No.4 is not rendered ineligible for the post of Lambardar.

7. The learned Collector, Fazilka, after interacting with all the candidates and appreciating their relative merits and demerits, found respondent No.4 to be the most suitable candidate for the post of Lambardar.

8. In my considered view, the learned Divisional Commissioner, Ferozepur had failed to consider and appreciate the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. In this regard, reference can be made to a recent judgment dated 09.07.2025 passed by a Division Bench of this Court in *LPA No.2217 of 2024* titled as “**Murti Devi Vs. State of Haryana & Ors.**”, wherein it has been 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.**”*

8.1 I am further of the view that the learned Financial Commissioner (Appeals), Punjab has rightly set aside order dated 24.03.2025 (Annexure P-7) passed by the learned Divisional Commissioner, Ferozepur and restored order dated 24.12.2024 (Annexure P-6) passed by the learned Collector, Fazilka, whereby respondent No.4 (Baldev Raj) was appointed as Lambardar of Village Chak Kheyo Wali.

9. Keeping in view the aforesaid facts and circumstances, I find no merit in the present writ petition and the same is accordingly dismissed.

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

25.07.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No