



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

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**CWP-18862-2025
Date of decision: 10.07.2025**

OM PARKASH SINGH

.....Petitioner

VERSUS

FINANCIAL COMMISSIONER, PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the orders dated 22.03.2022, 25.04.2023 and 29.07.2024 passed by the District Collector, Ludhiana, Divisional Commissioner, Patiala as well as the Financial Commissioner, Punjab whereby application of the petitioner for being appointed as a Lambardar has been rejected, the instant writ petition has been filed.

2. Learned Counsel appearing on behalf of the petitioner has vehemently argued that a post of Harijan Lambardar of Village Jhamat, Tehsil Payal, District Ludhiana fell vacant on the death of erstwhile Lambardar Madho Singh son of Bag Singh on 22.09.2015. Applications were invited from all the eligible and interested candidates, by making proclamation in the village. In response, 09 candidates including the petitioner as well as the private respondent submitted their applications. Antecedents of all the candidates were got verified. Eventually, name of



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respondent No.4 was recommended by the Assistant Collector, 1st Grade, Maloud and on receipt thereof SDM, Payal accepted the recommendation and forwarded the same to the Collector. Vide order dated 22.03.2022, the District Collector, Ludhiana appointed respondent No.4-Satpal Singh son of Gurdev Singh as Lambardar notwithstanding the objection of the petitioner that being employed in a Sugar Mill, respondent No.4 would not be available in the Village for the discharge of functions as Lambardar.

3. Aggrieved against the said order of 22.03.2022, the petitioner preferred an appeal before the Divisional Commissioner, Patiala Division. The said appeal was also dismissed vide order dated 25.04.2023. The revision petition was thus preferred by the petitioner before the Financial Commissioner on 25.04.2023 was eventually dismissed by the Financial Commissioner vide his order dated 29.07.2024. Hence, the instant writ petition.

4. Counsel contends that the authorities have failed to take into consideration that the presence and availability of a Lambardar in a Village is an essential requirement to be considered by the Collector as well as the Revenue authorities. The respondents have nowhere dealt with the specific objections raised by the petitioner that the private respondent was employed with the Sugar Mill and thus would not be available in the village for discharge of his functions and for assisting the villagers.

5. Learned Counsel for the petitioners also relies on the judgment of the Hon'ble Supreme Court in the matter of '***Mahavir Singh v. Khiali Ram and others***' reported as (2009) 3 SCC 439 to argue that young age is an



important parameter in the selection process of Lambardars. The relevant paras thereof are extracted hereunder:

“14. It is now a well-settled principle of law, keeping in view the decisions in regard to the appointment of Lambardar in the State of Punjab, that age of a candidate is a relevant factor.

15. In Lt. Malik Abbas Khan v. Ghulam Haidar [1940 Lah LT 25] it was stated:

“... It is certainly not wise, save in very exceptional circumstances, to appoint for the first time, an Inamkhor or Zaildar whose age is 60 or more.”

6. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended along with the present writ petition as well as the judgment passed by the Hon’ble Supreme Court of India in the matter of ***Mahavir Singh(supra)***.

7. It is evident from a perusal of the orders passed by the District Collector that the District Collector compared the inter se merit of the petitioner as well as the private respondent and upon consideration of the respective merit, it was recorded by the District Collector that name of Satpal Singh had been recommended by the Naib Tehsildar, Maloud as well as the Sub Divisional Magistrate, Khanna and numerous residents had also supported and recommended his case for appointment as Lambardar. The said residents had no inhibitions about his presence in the village. The candidature of respondent No.4-Satpal was found to be on a better footing for appointment as a Lambardar. In the appeal preferred by the petitioner,



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the comparative merit of respondent No.4 was noticed again by the Divisional Commissioner and that the age of private respondent is about 43 years and he had studied till 12th Class whereas the petitioner had studied only upto 07th class. The assessment had been undertaken by the revenue authorities and there had been large scale support in favour of the private respondent. No de-merit was brought on record. The appeal was accordingly dismissed. The revision petition also met the same fate and the Financial Commissioner recorded as under :-

“6. I have heard the Counsel for both the parties, gone through their submissions and perused the order of the courts below. In the present case, the respondent was appointed by the District Collector, Ludhiana, by passing a speaking order and the appeal of the petitioner has been dismissed by Commissioner, Patiala holding that respondent is 43 years of age and has studied upto 12th class whereas petitioner has studied upto 7th class only. Moreover, all the lower revenue authorities have also recommended the name of the respondent for the post of lambardar. The petitioner has failed to point out any illegality and perversity in the order passed by the courts below. Moreover, it is settled law that the choice of collector should not be interfered with, unless it suffers from infirmity or perversity as held by the Hon'ble Supreme Court of India in case reported in 2009 (1) RCR (Civil) 757 SC. So far as the submission of the petitioner regarding non-availability of the respondent is concerned, till date, there is no complaint from any person regarding functioning of the respondent is improper. The respondent is working as lambardar since 2022 and this indicate that he is available and



discharging his duties as lambardar to satisfaction of the inhabitants of the village. Therefore, I do not find any reason to interfere with the orders passed by the courts below.

7. Resultantly, the present revision petition is dismissed and the order dated 25.04.2023 passed by the Commissioner, Patiala Division, Patiala and order dated 22.03.2022 passed by the District Collector, Ludhiana are upheld. Copy of this order be communicated to the courts below. File be consigned to the record room.”

8. The sole argument advanced by the Counsel for the petitioner is that the private respondent is an employee in a Sugar Mill and thus would not be available for discharge of his functions.

9. I am of the opinion that the choice of the Collector should not ordinarily be interfered with unless gross infirmity, illegality, impropriety or malice is reflected in the action of the respondent-authorities.

10. As far as the reliance placed by the Counsel for the petitioners on the judgment of the Hon’ble Supreme Court in the matter of ***Mahavir Singh (supra)*** regarding the relevance of age is concerned, the same is misconceived. The appellant therein had challenged the order of the Division Bench of this Court whereby his appointment had been set aside in favour of the private respondent, who had served in the armed forces for 28 years and had been deemed eligible for appointment as Lambardar despite being 62 years of age. It was in the said context that the Hon’ble Supreme Court set aside the order passed by the Division Bench of this Court and restored the order passed by the Collector, while holding that the decision-making of the



Collector is not to be ordinarily interfered with and that age would be a relevant factor in the selection process of Lambardars. In the present case, the petitioner and the private respondent are of similar age, i.e. 43 years and the order passed by the Collector is in the latter's favour. Thus, the ratio of the said judgment goes against the petitioner herein.

11. In so far as the argument that the respondent No.4 being employed would be unavailable is concerned, merely because a person is employed does not mean he is ineligible or non-suitable for the appointment. The Division Bench of this Court in the matter of ***"Sukhminder Singh versus Financial Commissioner"*** reported as ***1992 (3) SCT 28*** fortifies the above view. The relevant extract thereof reads thus:-

"3. We do not find any merit in the contention of the learned counsel. To be in the service of the Government cannot be a disqualification for appointment as Lambardar, especially when the post of a Lambardar, is itself a civil post and dismissal or removal therefrom also attracts the provisions of Article 311 of the Constitution of India as the same are attracted in the case of other Government servants. Moreover, the provision for appointment of a Sarbrah Lambardar itself indicates that the actual performance of duties of the office of Lambardar can be done by the person other than the Lambardar himself, meaning thereby that if a Government servant is appointed as a Lambardar his appointment as Lambardar will not in any way interfere in the discharge of his duties as a Government servant. Therefore, we are in complete



agreement with the view taken by the learned Financial Commissioner, Appeals that a Government servant is fully eligible for appointment as Lambardar and he cannot be ignored only on that account if he is otherwise eligible and suitable for that post.”

12. Thus the act does not prescribe that a person must necessary be unemployed in order to be eligible for appointment as a Lambardar. Hence, merely because a person who has applied for the post of Lambardar is also employed, the same cannot be read to his disadvantage and render him ineligible for being appointed as a Lambardar.

13. In the case of “***Kuldip Singh versus Financial Commissioner, Appeals-II, Punjab***” reported as ***2016 (1) R.C.R. (Civil) 273***, it was held by the Division Bench of this Court that the choice of District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein. The relevant extract thereof reads thus:-

“6. The law is well settled. The choice made by the Collector would ordinarily prevail unless it is founded upon perverse, extraneous or irrelevant considerations. That cannot be the case here as the inter se merit of both the candidates was compared and respondent No. 4 was given preference for valid reasons. Even if second opinion is possible, it will not be a valid ground to interfere with the orders passed by quasi-judicial authorities. Similarly, the fact that now some inquiry has been initiated/opened against respondent No. 4 in respect of the alleged irregularity in utilisation of Gram Panchayat funds would not be a valid



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ground to set aside his appointment as Lambardar as nothing precludes the Competent Authority to remove a Lamberdar if a serious misconduct is proved against him at any subsequent stage.

14. The revenue officials have concurrently recommended the case of respondent No.4 and expressed no inhibitions about the availability of the petitioner for carrying out the functions of Lambardar.

15. This Court in the matter of ***“Didar Singh versus Financial Commissioner (Appeal-II), Punjab and others”*** reported as ***2012 (5) RCR Civil 480*** set aside the order passed by the Financial Commissioner and held that the petitioner’s claim could not have been rejected merely on the presumption that the petitioner therein might be residing elsewhere, while ignoring petitioner’s educational background. Hence, it is only perceptive on the part of the contesting petitioner with respect to non-availability of the respondent. Such a presumption cannot be drawn. The position in law being well settled that ordinarily the choice of the revenue officials has to be given preference, I find that no cogent or convincing circumstances exist as would compel this Court to interfere with the choice made by the respondent officials.

16. Finding no merit, ***the instant writ petition is dismissed in limine.***

(VINOD S. BHARDWAJ)
JUDGE

JULY 10, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No