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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18726-2025 (O/M)

Date of decision : 13.11.2025

Gurpreet Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Additional A.G. Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 25.11.2024 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Soma, previous Lambardar (SC) of village Faridewala, Tehsil and District Ferozepur, proceedings were initiated for filling up the aforesaid vacancy and the proclamation was carried out to the effect that in case any person is desirous to seek appointment to the post of Lambardar (SC) then he can file application before 08.11.2019.

2.1 It is stated that upto 08.11.2019, only three applications were

received. Thereafter, respondent No. 4 (Pinder Singh) also submitted an application for appointment to the post of Lambardar (SC), which was placed before learned District Collector, Ferozepur (in short 'Collector), who vide order dated 29.10.2020 (Annexure P-5), ordered that a fresh proclamation be got done in the village and applications be obtained from the desirous candidates upto 03.12.2020, the relevant extracts of which read as under :-

“ In view of the advice sought by Tehsildar, Ferozepur and Sub Divisional Magistrate, Ferozepur, for filling up the vacant post of S/Caste Numberdar which has fallen vacant due to the death of Sona son of Hakam S/Caste Numberdar of Village Faride Wala on 5.8.2018, the proclamation may be got done again and applications from suitable/desirous candidates may be obtained up to 03.12.2020. After completing the case in all respects and after taking any other required action, it may be sent to the Court of District Collector, Ferozepur through S.D.M. Ferozepur.”

2.2 Thereafter, fresh proclamation was made in village and as a result thereof, seven applications were received including the application submitted by respondent No. 4 (Pinder Singh) as well as petitioner (Gurpreet Singh). The antecedents of candidates were got verified from the local police.

2.3 The Naib Tehsildar, Ferozepur, Tehsildar, Ferozepur as well as learned Sub Divisional Magistrate, Ferozepur recommended the candidature of respondent No. 4 to the appointment of aforesaid vacancy and placed the matter before learned Collector.

2.4 Learned Collector, vide order dated 23.09.2021

(Annexure P-6), found respondent No. 4 (Pinder Singh) as most suitable candidate and accordingly, appointed him as Lambardar (SC) of village Faridewala, Tehsil and District Ferozepur.

2.5 Feeling aggrieved against learned Collector's order dated 23.09.2021 (Annexure P-6), petitioner (Gurpreet Singh) preferred an appeal before learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner'). Similarly, another candidate, namely, Shabaj, filed separate appeal, challenging learned Collector's order dated 23.09.2021 (Annexure P-6). Both aforesaid appeals came to be decided by learned Divisional Commissioner, vide common order dated 20.10.2022 (Annexure P-7), whereby learned Collector's order dated 23.09.2021 (Annexure P-6) was set aside and matter was remanded to learned Collector for deciding matter only amongst three candidates, who had initially applied in pursuance to first proclamation.

2.6 Feeling aggrieved, respondent No. 4 (Pinder Singh) petitioner preferred an appeal (ROA-1062-2022) before learned Financial Commissioner, which came to be disposed of, vide impugned order dated 25.11.2024 (Annexure P-8) by modifying the order passed by learned Divisional Commissioner to the extent that name of respondent No. 4 (Pinder Singh) be also considered while examining the comparative merits/demerits of the candidates while deciding the matter.

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

4. Heard.

5. During the course of hearing of this writ petition, a specific query was raised to learned counsel for petitioner as to whether the petitioner had laid challenge to order dated 29.10.2020 (Annexure P-5), passed by learned Collector, whereby he had ordered fresh proclamation to be made in village for filling up vacant post of Lambardar (SC) of village Faridewala.

5.1 In response to aforesaid query, it has been clearly conceded by learned counsel for petitioner that no separate challenge has been laid to said order dated 29.10.2020 (Annexure P-5).

6. In my considered view, once learned Collector, vide order dated 29.10.2020 (Annexure P-5), had ordered fresh proclamation in the village for inviting applications to fill up the post of Lambardar (SC) of village Faridewala and same was not challenged by the petitioner herein or any other candidate (who had initially applied for the said post); thereby permitting the order dated 29.10.2020 (Annexure P-5) to attain finality, now, after learned Collector had considered the candidature of all the persons, who had applied in pursuance to fresh proclamation, directed by learned Collector, vide order dated 29.10.2020 (Annexure P-5) and further appointed respondent No. 4 (Pinder Singh) as Lambardar (SC) of village Faridewala; at this stage, the petitioner cannot be permitted to raise the plea that respondent No. 4 was not eligible to be considered for the post of Lambardar (SC) of village Faridewala on account of the fact that he did not apply for the post of Lambardar (SC) in pursuance to first proclamation, made in the village.

7. Furthermore, learned Financial Commissioner has only

modified the order passed by learned Divisional Commissioner to the extent that candidature of respondent No. 4 be also considered by learned Collector while deciding the matter afresh. The relevant extract of observations made by learned Financial Commissioner read as under :-

“7. I have heard and considered the arguments advanced by Counsel for the parties and perused the documents available on record. On perusal of the file, I find that the Divisional Commissioner, Ferozepur vide order dated 20.10.2022 accepted the appeal of present respondents and directed the District Collector, Ferozepur for deciding the merits/demerits of the candidates who applied before 08.11.2019 and if they will be found to be not eligible, then fresh munadi be carried out. After careful examination of the case, I am of the view that no prejudice is going to be caused to anyone if the case be reheard by the District Collector. In the process of selection of lambardar, a wide choice must be available to the concerned authority in order to appraise the merits and demerits of competing candidate to find out the best suitable person for being appointed as lambardar of the village. Therefore, no prejudice is going to be caused to the interest of the parties if the petitioner is also allowed to be heard on merits by the District Collector in the interest of justice.

8. Therefore, the order dated 20.10.2022 passed by the Commissioner, Ferozepur Division, Ferozepur is modified to the extent that the name of the petitioner be also considered by the District Collector, Ferozepur while examining the comparative merits/demerits of the candidates while deciding the matter. Copy of this order be communicated to the courts below. File be consigned to the record room.”

8. Considering the totality of circumstances, I am of the considered view that no prejudice would be caused to the petitioner in case

the candidature of respondent No. 4 is also considered by learned Collector while deciding the matter regarding appointment of Lambardar (SC) of village Faridewala, Tehsil and District Ferozepur afresh.

9. Resultantly, the instant civil writ petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

13.11.2025
sjks

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