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

**CWP-22691-2024 (O&M)
Date of Decision: 28.08.2025**

Ombir Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ram Darshan Yadav, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

Petitioner (Ombir Singh) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 16.10.2018 (Annexure P-1) passed by the District Collector, Jhajjar, order dated 13.05.2019 (Annexure P-2) passed by the learned Commissioner, Rohtak Division, Rohtak and order dated 14.05.2024 (Annexure P-3) passed by the learned Financial Commissioner, Haryana.

2. Briefly, on demise of Sh. Madan Singh, previous *lambardar* (General category) of Village Aurangpur, Tehsil Badli, District Jhajjar, proceedings were initiated for filling up the vacancy; wherein the petitioner- Ombir Singh and respondent No.4- Devender Singh were the candidates.

2.1 The learned Collector, Jhajjar, upon comparing the relative merits and de-merits of the candidates, found respondent No.4- Devender

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Singh as more suitable candidate and accordingly appointed him as *lambardar* of Village Aurangpur vide order dated 16.10.2018 (Annexure P-1).

2.2 Feeling aggrieved against the Collector's order, the petitioner preferred an appeal before the learned Commissioner, Rohtak Division, Rohtak, however, the same was dismissed vide order dated 13.05.2019 (Annexure P-2).

2.3 Still aggrieved, the petitioner preferred a revision petition (ROR No. 744/2018-19) before the learned Financial Commissioner, Haryana however, the same was also dismissed vide order dated 14.05.2024 (Annexure P-3).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs as noticed hereinabove.

4. Heard.

5. In the instant case, respondent No.4- Devender Singh was appointed as *lambardar* of Village Aurangpur, by the learned Collector. The Collector's choice has been further affirmed by learned Commissioner, Rohtak Division, Rohtak as well as learned Financial Commissioner, Haryana. The learned Financial Commissioner, Haryana, while affirming the Collector's order, has observed as under:

"From the comparative statement of the candidates, it is seen that both the candidates are 10th pass. However, the respondent has 82 kanal of land whereas the petitioner owns lesser land i.e. 56 kanal. In terms of age, the respondent is more mature being 41 years of age compared to 33 years of the petitioner. It is also seen that the respondent is a Panchayat member. The petitioner has alleged that the respondent is not available in the village and is running a Kiryana Shop in Rangpuri area in Delhi and is living in Delhi but no documents



have been attached which will prove that the respondent is not living in the village and the Commissioner, Rohtak Division, Rohtak has also observed that the petitioner has been unable to prove that the respondent was living outside the village. On the other hand it is not disputed that the respondent is a Gram Panchayat member which means that he is living in the village. It is further observed that an FIR was registered against the petitioner in which he has been acquitted. There are certain rulings by the Hon'ble Punjab & Haryana High Court as mentioned by the Counsel for the respondent according to which even if the person is acquitted, it is stigmatic. Further, even if this issue of lodging of FIR against the petitioner is ignored, still the respondent appears to be more meritorious.

It is a well settled law that the choice of the Collector should not be ordinarily interfered with unless there is perversity or illegality in the orders of the Collector which is not the case here. Further, the Law laid down by the Hon'ble Supreme Court of India in the case of Mahavir Singh Vs Khiali Ram & others, 2009(3) SCC-439, is very clear that there should be no interference in the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible and it is only the prerogative of the Collector to compare the merit of the candidates for appointment as Lambardar. Both the Lower Courts of the Collector, Jhajjar and the Commissioner, Rohtak Division, Rohtak have given their verdict in the favour of the respondent.

Moreover, the Revisional Court has limited jurisdiction. Unless some patent illegality, material irregularity, error of jurisdiction or perversity is proved, the order of Lower Court cannot be interfered with. No such issue has been made out in this case.

In view of the discussion above, there is no merit in the arguments raised by the revisionist in his revision petition and hence, the revision petition is dismissed. The record of the Lower Courts be returned to the respective Courts and the file



be consigned to the Record Room.”

5.1 A perusal of the above extracted order passed by the learned Financial Commissioner, Haryana would show that the same is in consonance with the well settled law that the choice of Collector in the matter of appointment of *lambardar* should not be lightly interfered with even if two views are possible, unless there is any patent illegality or perversity. Recently, the Hon’ble Division Bench of this Court in LPA No. 2217 of 2024 titled as “***Murti Devi Vs. State of Haryana & Ors.***”, decided on 09.07.2025 has 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***”.*

6. At this stage, learned counsel for the petitioner has submitted that the authorities below have non suited the petitioner on the ground that a case FIR was registered against him, however, it is contended that the petitioner was acquitted in the said case FIR vide order dated 13.08.2012 (Annexure P-4) passed by the learned Judicial Magistrate 1st Class, Jhajjar.

7. I have considered the aforesaid submissions raised on behalf of the petitioner as well, however, suffice it to say that in case a person with clean antecedents is available for the post of *lambardar*, then it is desirable that such a person with clean image is preferred.

8. That apart, learned counsel for the petitioner has failed to point out any illegality or perversity in the orders passed by the revenue



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authorities.

9. Keeping in view the above, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

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

28.08.2025
Himani

(HARSH BUNGER)
JUDGE

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