



LPA-362-2017 (O&M) 1

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

**(207) LPA-362-2017 (O&M)
Date of Decision : November 19, 2025**

Avtar Singh .. Appellant

Versus

Kulwinder Singh and others .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. K.S. Khehar, Advocate, for the appellant.

Mr. Jasmer Singh Brar, Advocate, for respondent No.1.

Mr. Rahul Rampal, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the order dated 03.11.2016 passed by the learned Single Judge in CWP No.6572 of 2012, whereby the claim of respondent No.1 has been allowed. While setting aside the order dated 04.01.2012 (Annexure P-15) passed by the learned Financial Commissioner (Revenue), the learned Single Judge has restored the order dated 08.06.2011 (Annexure P-14) passed by the learned Commissioner, Patiala Division, Patiala, remanding the matter for filling up the post of Lamberdar of Village Barh Majra, District S.A.S. Nagar.

2. Learned counsel appearing on behalf of the appellant argues that the only issue is whether, the appeal filed by the respondent No.1 against the selection of the appellant as a Lambardar could have been decided without giving any opportunity of hearing.

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3. Learned counsel appearing on behalf of the respondents submitted that the conduct of the appellant was such that, when the facts were clear, no need of hearing was required, and the cancellation of the selection of the appellant from the post of Lambardar was valid.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Even if, an incorrect order had been passed by the Collector while appointing someone as a Lambardar, once an appeal has been preferred, the party concerned, who would be prejudiced in case the said appeal is allowed, has to be heard. There could be various objections/pleas may be raised by such party already selected as Lambardar.

6. In the present case, the appellant has not only been selected but is continuing as Lambardar for the last number of years even as of now. Hence, the orders dated 04.01.2012 (Annexure P-15) passed by the Financial Commissioner (Revenue) as well as order dated 08.06.2011 (Annexure P-14) passed by the Commissioner, Patiala Division, Patiala are set aside. The case is remanded back to the Commissioner, Patiala Division, Patiala to hear the appeal filed by the respondents challenging the selection of the appellant as Lambardar by hearing both the parties and thereafter, decide the issue on the basis of the evidence brought on record.

7. It is made clear that the said consideration shall be strictly given only on the basis of the facts/evidence brought on record including the plea being raised by the respondents that the appellant was convicted though, released on probation later on, without being influenced by any subsequent order passed by the higher authorities.



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9. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 19, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No