

225 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-20919-2023 (O/M)  
Date of decision : 26.11.2025

Manjit Singh ..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and another ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ishan Gupta, Ms. Muskan Gupta, Advocates  
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

Ms. Deepa Negi, Advocate for  
Mr. S.S. Swaich, Advocate  
for respondent No. 2.

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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 the order dated 28.08.2023 (Annexure P-7), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Chanan Singh, previous Lambardar of village Booh Gujran, Tehsil Zira, District Ferozepur, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Manjit Singh) and respondent No. 2 (Surjit Singh) were also the candidates.

2.1 The Naib Tehsildar, Makhu and Sub Divisional Magistrate, Zira, recommended the candidature of the petitioner (Manjit Singh) for appointment to the aforesaid vacancy and forwarded the matter to learned Collector, Ferozepur (in short 'Collector').

2.2 Learned Collector, upon considering the relative merits and demerits of the candidates, found petitioner (Manjit Singh) as a suitable candidate and, accordingly, appointed him as Lambardar of village Booh Gujran, vide order dated 21.01.2020 (Annexure P-4).

2.3 Feeling aggrieved against aforesaid learned Collector's order dated 21.01.2020 (Annexure P-4), respondent No. 2 (Surjit Singh) preferred an appeal before learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner'), however, same was dismissed, vide order dated 12.11.2020 (Annexure P-5).

2.4 Thereafter, it appears that respondent No. 2 (Surjit Singh) filed a review application before learned Divisional Commissioner, seeking review of order dated 12.11.2020 (Annexure P-5), however, same was also dismissed, vide order dated 03.02.2022 (Annexure P-6).

2.5 Still dis-satisfied, respondent No. 2 (Surjit Singh) preferred a revision petition (ROR-371-2022) before learned Financial Commissioner, which has been allowed, vide order dated 28.08.2023 (Annexure P-7) and respondent No. 2-Surjit Singh was appointed as Lambardar of village Booh Gujran.

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

4. I have heard learned counsel for respective parties and perused the paperbook with their able assistance.

5. In this case, petitioner was appointed as Lambardar of village Booh Gujran by learned Collector. Learned Collector's choice was further affirmed by learned Divisional Commissioner, vide order dated 12.11.2020 (Annexure P-5) by observing as under :-

*“5. I have considered the arguments and perused the record of the case. According to Naqsha lambardari, the appellant Surjit Singh is owner of 40 Kanals 17 Marlas of land and respondent Manjit Singh is owner of 38 Kanals 17 Marlas of land and there is no much difference of land holding of appellant and respondent in the application dated 24.10.2019 the appellant Surjit Singh son of Darshan Singh mentioned that he has studied upto 10+2 standard. The respondent Manjit Singh has also studied upto 10+2 standard and as such educational qualification of the appellant and respondent was same at the time when they submitted applications for appointment as lambardar. The appellant passed 10+2 examination conducted by Punjab School Education Board in March 1995 and he has produced Photostat copy of B.A. General 3<sup>rd</sup> year, issued by the Punjab University on 27.1.2020 i.e. after making appointment as Lambardar by District Collector vide order dated 21.1.2020. It is well settled law that any additional qualification acquired after appointment as Lambardar cannot be taken into consideration. It is clearly mentioned in the order of the District Collector that according to certificate dated 28.12.2019 issued by the Lalle Multi-purpose cooperative agriculture Society Ltd., the respondent was not defaulter of any loan of the said society. The respondent Manjit Singh was appointed as Sarbrah Lambardar of his grand father Chanan Singh by District Collector, Ferozepur vide order dated 21.3.2012 and worked*

*as such till the death of his grand father Chanan Singh on 4.7.2019 and has got experience of working as Lambardar for more than seven years. The respondent Manjit Singh has been appointed as Lambardar by District Collector, Ferozepur purely on merit basis and as such I do not want to interfere in the appointment made by District Collector. Hence, the appeal is dismissed.”*

5.1 However, learned Financial Commissioner, vide impugned order dated 28.08.2023 (Annexure P-7), set aside the appointment of petitioner (Manjit Singh) as Lambardar of village Booh Gujran and appointed respondent No. 2 (Surjit Singh) as Lambardar of village Booh Gujran by observing as under :-

*“6. I have heard the arguments advanced by Ld. Counsels for both the parties and perused the orders of the courts below. On perusal of the file, I find that present case pertains to the appointment of lambardar of village Booh Gujran, Tehsil Zira, District Ferozepur. Vide order dated 21.01.2020, the District Collector, Ferozepur appointed the respondent No. 1 Manjit Singh as lambardar on the recommendations of the lower revenue authorities by ignoring the merits of the petitioner. After considering the comparative merits as pleaded by the parties before this court and the courts below, I find that petitioner is 44 years old and Graduate. On the other hand, the respondent No. 1 is 47 years old and only 10+2. Thus, as compare to the respondent No. 1, the petitioner is younger in age and more qualified. No doubt that respondent No. 1 owns more land than the petitioner. But it is also fact that land revenue has been abolished in the State of Punjab. Hon'ble Punjab and Haryana High Court in the case of Sukhjinder Pal Singh Versus State of Punjab and others reported in 2016 (2) LAR 447 (P&H) has held that “Criterion for appointment to the post of Lambardar, inter alia, includes educational*

*qualification, age, experience, ability and freedom from indebtness". In the CWP No. 15031 of 2001, the Hon'ble Punjab and Haryana High Court has held that 'one candidate having 7 acres of land, but he was M.A. Pass. The revival candidate had 15 acres of land but was middle pass. The candidate having lesser land appointed as lambardar and it was held that "in the present era better education qualification is necessary as everything is to be done in writing, therefore, more educated person is the more suitable person for the appointment".*

*Thus, in view of the decision of the Hon'ble High Court a person who is more qualified is to be preferred. In the present case, the petitioner is B.A. pass whereas the respondent No. 1 is only 12<sup>th</sup> pass. Further, the petitioner is also younger in age than the respondent No. 1. Therefore, keeping in view the facts and circumstances of the present case, I find that the District Collector, Ferozepur has ignored the merits of the petitioner and illegally and wrongly appointed the respondent No. 1 as lambardar of the village in violation of the Punjab Land Revenue Rules, 1909. Thus, the order dated 21.01.2020, passed by the District Collector, Ferozepur and the orders dated 03.02.2022 and 12.11.2020, passed by the Commissioner, Ferozepur Division, Ferozepur is illegal and perverse and liable to set-aside.*

*7. Resultantly, the present revision petition is accepted and the orders dated 03.02.2022 and 12.11.2020, passed by the Commissioner, Ferozepur Division, Ferozepur and the order dated 21.01.2020, passed by the District Collector, Ferozepur are set aside. The petitioner is appointed as lambardar of the village Booh Gujran, Tehsil Zira, District Ferozepur. 'Sanad lambardari' be issued in favour of the petitioner. Copy of this order be communicated to the courts below. File be consigned to the record room."*

5.2 A perusal of above extracted order dated 28.08.2023 (Annexure P-7), passed by learned Financial Commissioner, would show that the appointment of petitioner as Lambardar has been set aside primarily on the ground that respondent No. 2 (Surjit Singh) is younger in age and more educated than petitioner (Manjit Singh).

6. Here it would be apposite to refer to comparative merits, as noticed by learned Assistant Collector 1<sup>st</sup> Grade, Zira, vide its recommendation dated 23.12.2019 (Annexure P-3), which are as under :-

| Particulars                  | Petitioner<br>(Manjit Singh)                                    | Respondent No. 2<br>(Surjit Singh) |
|------------------------------|-----------------------------------------------------------------|------------------------------------|
| Age                          | 34                                                              | 44                                 |
| Educational<br>qualification | 12 <sup>th</sup> class                                          | 12 <sup>th</sup> class             |
| Recommended by               | Naib Tehsildar, Makhu<br>and Sub Divisional<br>Magistrate, Zira | ---                                |
| Land holdings                | 38 Kanal – 17 Marla                                             | 40 Kanal – 17 Marla                |

6.1 A perusal of above extracted comparison would clearly show that the petitioner (Manjit Singh) has an edge over respondent No. 2 (Surjit Singh), inasmuch as that it is the petitioner who is younger in age than respondent No. 2 and his name was recommended by lower revenue officers. That apart, the petitioner has sufficient land holding and has also studied upto 12<sup>th</sup> class. It appears from order dated 12.11.2020 (Annexure P-5) that respondent No. 2-Surjit Singh has acquired higher education (graduation) during the pendency of the proceedings in the present matter and is presently stated to be a graduate.

6.2 It is noticeable that an educated man per se does not necessarily make a good Lambardar nor is it one of the essential qualifications under the provisions of Punjab Land Revenue Rules concerning appointment of Lambardar.

7. In my considered view, although respondent No. 2 (Surjit Singh) might have acquired higher education (graduation) than petitioner (Manjit Singh), during pendency of these proceedings; however, petitioner (Manjit Singh), who has studied upto 10+2, cannot be said to be ineligible for the post of Lambardar. Learned Collector, upon consideration of the matter, found the petitioner as a most suitable candidate and accordingly, appointed him as Lambardar by taking into account various factors i.e. his better knowledge of Lambardari work than other candidates and also that his name was recommended by lower revenue officers and that he is younger in age.

8. In my considered view, there is no illegality or perversity in the order dated 21.01.2020 (Annexure P-4), passed by learned Collector, appointing petitioner (Manjit Singh) as Lambardar of village Booh Gujran, which was affirmed by learned Divisional Commissioner as well, vide order dated 12.11.2020 (Annexure P-5), however, learned Financial Commissioner has wrongly set aside petitioner's appointment as Lambardar without considering the well settled law that in the matter of appointment of a Lambardar, the choice of learned Collector cannot be lightly interfered, even if two views are possible, unless there is any patent illegality or perversity therein.

9. Recently, the Hon'ble Division Bench of this Court in LPA-2217-2024, titled as ***Murti Devi Versus State of Haryana and others***, decided on 09.07.2025, has also 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 v. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh v. The Financial Commissioner and others, 1992 PLJ 325.***”

10. No other point was argued.

11. In view of the above discussion, order dated 28.08.2023 (Annexure P-7), passed by learned Financial Commissioner is unsustainable in the eyes of law and same is set aside and consequently, order dated 21.01.2020 (Annexure P-4), passed by learned Collector, appointing petitioner (Manjit Singh) as Lambardar of village Booh Gujran, Tehsil Zira, District Ferozepur, is maintained. Accordingly, the instant civil writ petition is allowed and disposed of in the aforestated terms.

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

(HARSH BUNGER)  
JUDGE

26.11.2025  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No