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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23587-2025 (O/M)

Date of decision : 17.09.2025

Avtar Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Avtar Singh) has filed the instant civil writ petition under Article 226 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 08.02.2023 (Annexure P-1), passed by learned Collector, Ludhiana (in short 'Collector'), whereby respondent No. 6 (Hardeep Singh) has been appointed as Lambardar of village Kaonke Kalan, Tehsil Jagraon, District Ludhiana.

1.1 A further prayer has been made for setting aside the order dated 12.09.2023 (Annexure P-3), passed by learned Commissioner, Patiala Division, Patiala (in short 'Divisional Commissioner') and also order dated 25.11.2024 (Annexure P-5), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'), whereby appeal and revision, preferred by the petitioner, have been dismissed, respectively.

2. Briefly, on demise of Shri Kehar Singh, previous Lambardar (SC) of village Kaonke Kalan, Tehsil Jagraon, District Ludhiana, proceedings were initiated for filling up the aforesaid vacancy, wherein the petitioner (Avtar Singh) and respondent No. 6 (Hardeep Singh) were also the candidates. The Tehsildar, Jagraon, recommended the candidature of respondent No. 6 for appointment to the aforesaid vacancy, whereas Sub Divisional Magistrate, Jagraon, recommended the candidature of the petitioner for appointment to the aforesaid vacancy and the matter was placed before the learned Collector.

2.1 Learned Collector, after considering the relative merits of the candidates, found respondent No. 6 as most suitable candidate and accordingly, appointed him as Lambardar, vide order dated 08.02.2023 (Annexure P-1).

2.2 Learned Collector's order dated 08.02.2023 (Annexure P-1) has been further affirmed by learned Divisional Commissioner, vide order dated 12.09.2023 (Annexure P-3) and also by learned Financial Commissioner, vide order dated 25.11.2024 (Annexure P-5).

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

4. Heard.

5. The only argument raised by learned counsel for petitioner is that the petitioner is son of previous deceased Lambardar (SC) and also remained Sarbraha Lambardar and, therefore, he deserves preference for appointment to the post of Lambardar.

6. I have considered the argument raised by learned counsel for petitioner, however, I do not find any merit in the same. The hereditary

claim in the matter of appointment of Lambardar has already been held to be ultra vires of the Constitution by a Division Bench of this Court in '**Karnail Singh Versus State of Haryana etc., 1973 PLJ 676**'. Even the preference to a candidate on the ground that he has remained a Sarbarah Lambardar would tantamount to give preference to hereditary claim, as held by the Division Bench of this Court in the case of '**Ashok Kumar Versus State of Haryana and others, 2012 (68) RCR (Civil) 198**'.

7. I have perused the orders passed by learned Collector as well as learned Divisional Commissioner and learned Financial Commissioner. All the courts below concurrently found respondent No. 6 as a better and suitable candidate for appointment to the post of Lambardar inasmuch as that he is younger in age and more educated than the petitioner. It is well settled that in the matter of appointment of Lambardar, the choice of the Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein.

8. Recently, Hon'ble Division Bench of this Court in LPA No. 2217 of 2024 titled as '**Murti Devi Versus State of Haryana and others**', 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 Versus State of Haryana and others, 2013 (4) RCR (Civil)** and **Sukhminder Singh Versus the Financial Commissioner and others 1992 PLJ 325.**”*

9. Considering the totality of circumstances, finding no compelling reasons to interfere in the impugned orders and finding no merit, the instant civil writ petition is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

17.09.2025
sjks

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