

2025:PHHC:123873



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

**CWP-26464-2025
Date of Decision: 08.09.2025**

Mithu Ram

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. S.S. Salar, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 27.03.2025 (Annexure P-10) passed by the learned Financial Commissioner (Appeals), Punjab, whereby order dated 20.09.2023 (Annexure P-8) passed by the learned Collector, Mansa as well as order dated 23.10.2024 (Annexure P-9) passed by the learned Divisional Commissioner, Faridkot have been set aside and the matter has been remanded to the learned Collector, Mansa for passing a fresh order after hearing all the candidates and examining the merits and demerits of each candidate.

2. Briefly, the learned Divisional Commissioner, Faridkot, vide

letter dated 12.04.2010, created a new post of Lambardar (Scheduled Caste) for Village Reond Kalan, District Mansa, whereupon proceedings were initiated for filling up the said vacancy. In pursuance of the proclamation carried out for filling up the aforesaid vacancy, the petitioner – Mithu Ram and respondent No.3 – Sukhdev Singh also submitted their candidature.

2.1 After a few initial rounds of litigation, the learned Divisional Commissioner, Faridkot, vide order dated 26.10.2022 (Annexure P-7), remanded the matter to the learned Collector, Mansa, for a fresh decision.

2.2 Pursuant to the said remand, the learned Collector, Mansa, vide order dated 20.09.2023 (Annexure P-8), appointed petitioner – Mithu Ram as Lambardar of Village Reond Kalan, with the following observations:-

“The record on the file was perused carefully, Shri Sukhdev Singh candidate did not turn up despite calling the case many times nor his counsel appeared. Shri Mithu Singh candidate was heard in person. As per record, Shri Mithu Singh candidate has already been appointed Nambardar thrice (vide order dated 30.05.2011/21.08.2012/06.06.2016). And in these orders, it was recorded that the people from the other castes have already been got representation. But there is no Nambardar belonging to bazigar biradari. The distance of bazigar dhanee is 2-3 kilometer from village Reond Kalan. Though the post belongs to SC Nambardar but the purpose to create this post was to give representation to the people residing in bazigar basti. Shri Mithu Ram only is relating to bazigar basti. And after considering all the remaining factors, Mithu Ram has already appointed thrice as Nambardar. Therefore, keeping in view the facts which are already on record, the importance of hearing of case/consideration again is not there. This court has already appointed Shri Mithu Ram as Nambardar thrice. Against these orders, The Hon’ble Commissioner, Faridkot Division, Faridkot vide his order dated 23.05.2012, 22.01.2014/06.12.2017 while remanding the

case in favour of Shri Sukhdev Singh candidate has directed that at the time of appointment of Nambardar of village Reond Kalan, the name of candidate belonging to bazigar basti only be not kept in mind, but all the candidates belonging to SC caste be considered. This post has been created for scheduled caste category, and not only for SC candidate belonging to bazigar basti. This court in compliance of the order of The Hon'ble Commissioner, Faridkot Division, Faridkot vide order dated 15.06.2022 not considering the factor of SC candidate belonging to bazigar basti, on merits appointed Shri Sukhdev Singh from SC caste as Nambardar of village Reond Kalan. Against this order, Shri Mithu Ram filed an appeal before the Hon'ble Commissioner, Faridkot. The Hon'ble Commissioner, Faridkot Division, Faridkot in his order dated 26.10.2022 has remanded the case to this court by mentioning that, "The District Collector Mansa already had appointed appellant as Nambardar thrice, on account of which he is conversant with the working of Nambardari. Therefore, keeping in view the above facts, while remanding the case back to Collector, Mansa, it is directed to decide the case again."

Keeping in view the above situation and keeping in view Rule 15 & 19B of Punjab Land Revenue Rules, 1909 and keeping in view the experience, candidate Shri Mithu Ram son of Shri Harnam Ram is appointed Nambardari created for scheduled caste candidate.

Order pronounced. A copy of this order be sent to the Assistant Collector Ist Grade (SDM Budhlada) and to Assistant Collector IInd Grade (Tehsildar), Budhlada for making entries in the revenue record. File be consigned to the record room after compliance and indexing."

2.3 Feeling aggrieved against the aforesaid order dated 20.09.2023 (Annexure P-8), respondent No.3 – Sukhdev Singh filed an appeal before the learned Divisional Commissioner, Faridkot, which was dismissed vide order dated 23.10.2024 (Annexure P-9).

2.4 Still dissatisfied, respondent No.3 preferred a revision petition (ROR No.1092 of 2024) before the learned Financial Commissioner (Appeals), Punjab. The said revision was allowed vide order dated 27.03.2025 (Annexure P-10), whereby order dated 20.09.2023 (Annexure P-8) passed by the learned Collector, Mansa, as well as order dated 23.10.2024 (Annexure P-9) passed by the learned Divisional Commissioner, Faridkot, were set aside, and the matter was remanded to the learned Collector, Mansa, for passing a fresh order after hearing all the candidates and examining the merits and demerits of each candidate.

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

4. Heard.

5. Evidently, the petitioner was appointed as Lambardar of Village Reond Kalan by the learned Collector, Mansa, vide order dated 20.09.2023 (Annexure P-8). The said order was subsequently affirmed by the learned Divisional Commissioner, Faridkot, vide order dated 23.10.2024 (Annexure P-9). However, on a revision petition filed by respondent No.3 before the learned Financial Commissioner (Appeals), Punjab, both the aforesaid orders were set aside vide order dated 27.03.2025 (Annexure P-10), with the following observations:-

“6. I have heard Ld. Counsel for both the parties, gone through their submissions and have also perused the orders of the courts below. The appointment of Lambardar dated 20.09.2023 was passed without adequate examination of the merits and demerits of the candidates as directed by the Divisional Commissioner vide order dated 26.12.2022. The District Collector must reconsider the case in accordance with relevant provisions and as per law ensuring fair opportunity to

all candidates including the petitioner. The petitioner was earlier found meritorious and appointed as Lambardar vide order dated 15.06.2022. The demographic composition of the village and representation of communities in the post of Lambardar requires careful evaluation. The significant difference in educational qualification and age of the candidates cannot be overlooked while deciding suitability for the post. The petitioner is aged 39 years while the respondent is aged 66 years. The principles laid down in the case of Mahavir Singh versus Khiali Ram and Others, 2009 (1) RCR (Civil) 757; 2009 (3) SCC (Civil) 439 have been considered where it was held that it is now a well-settled principle as per law, keeping in view the order in regard to the appointment of Lambardar in the State of Punjab, that age of a candidate is a relevant fact. The Hon'ble Punjab and Haryana High Court in Sudharshan Kumar versus Financial Commissioner, Haryana reported in 2013 (3) RCR (Civil) 347 also came to know that a person younger in age has more energy and potentiality to render assistance to the villagers on the other hand older persons have less energy and held that revenue authorities preferring a person who is older in age in comparison to the petitioner who was younger have committed serious error as per law while appointing that person as Lambardar. The views of respectable persons of the village including Panchayat members revenue officials and police officials who have recommended the petitioner deserve due weight.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I accept the present revision petition and order dated 23.10.2024 passed by the Commissioner, Faridkot Division, Faridkot as well as order dated 20.09.2023 passed by District Collector, Mansa are hereby set aside. The case is remanded to the District Collector, Mansa to pass the fresh order after hearing all candidates and examining the merit and demerits of each candidate. Copy of this order be communicated to the courts below. File be consigned to the record room."

6. I have perused the orders dated 20.09.2023 (Annexure P-8) and 23.10.2024 (Annexure P-9), passed by the learned Collector, Mansa and the learned Divisional Commissioner, Faridkot, respectively. Upon perusal thereof, I am of the considered view that the learned Collector, Mansa failed to exercise the jurisdiction vested in him in accordance with law, inasmuch as he did not properly evaluate the relevant merits and demerits of the candidates, particularly in light of the provisions contained in Rules 15 and 19 of the Land Revenue Rules. Similarly, the learned Divisional Commissioner, Faridkot also failed to exercise the jurisdiction vested in him, while dismissing the appeal filed by respondent No.3 through a totally non-speaking order.

7. In my considered view, the learned Financial Commissioner (Appeals), Punjab, vide order dated 27.03.2025 (Annexure P-10), has rightly set aside the orders passed by the learned Collector, Mansa and the learned Divisional Commissioner, Faridkot, and remanded the matter to the learned Collector for a fresh decision after hearing all the candidates and examining their respective merits and demerits. Accordingly, I find no illegality or perversity in the aforesaid order dated 27.03.2025 (Annexure P-10) passed by the learned Financial Commissioner (Appeals), Punjab and the same is upheld.

8. In view of the above, the present writ petition fails and the same is accordingly dismissed.

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

08.09.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned :	Yes/No
2. Whether reportable :	Yes/No