

**CWP-35704-2019 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****204****CWP-35704-2019 (O&M)
Date of decision :23.12.2025****RAM SARUP SINGH****...PETITIONER****Versus****STATE OF PUNJAB AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER****Present :** Mr. K.S. Hissowal, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. C.L. Premy, Advocate
for respondent No.5.**HARSH BUNGER, J. [ORAL]**

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari for setting aside the order dated 28.10.2015 (Annexure P-3) passed by Learned District Collector, Ludhiana; order dated 13.12.2016 (Annexure P-2) passed by Learned Divisional Commissioner, Patiala Division, Patiala and order dated 15.11.2018 (Annexure P-1) passed by Learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon dismissal of Sh. Jagbir Singh, previous *Lambardar (SC)* of village Hissowal, Tehsil Raikot, District Ludhiana, proceedings were initiated for filling up the vacancy wherein petitioner-Ram Sarup Singh and respondent No. 5 – Karnail Singh were also the candidates.



2.1. The Tehsildar, Raikot as well as the Sub-Divisional Magistrate, Raikot recommended the candidature of respondent No.5 - Karnail Singh and placed the matter before the Learned Collector, Ludhiana.

2.2 Learned Collector, Ludhiana upon considering the relative merits and demerits of the candidates found respondent No.5 to be more suitable candidate and accordingly appointed him as the *Lambardar (SC)* of village Hissowal, Tehsil Raikot, District Ludhiana vide order dated 28.10.2015 (Annexure P-3).

2.3 Feeling dissatisfied, present petitioner preferred an appeal before the Learned Commissioner Patiala Division, Patiala. Similarly another candidate namely Mandeep Singh preferred a separate appeal challenging the Learned Collector's order. Both the appeals came to be dismissed by Learned Divisional Commissioner, Patiala Division, Patiala vide order dated 13.12.2016 (Annexure P-2).

2.4 Still aggrieved, petitioner preferred a Revision Petition (ROR No. 97 of 2017) before the Learned Financial Commissioner (Appeals), Punjab, however, the same has also been dismissed vide order dated 15.11.2018 (Annexure P-1).

3 In the afore-mentioned circumstances, the present petition has been filed before this Court for seeking relief as noticed hereinabove.

4. Heard.

5. Here, it would be apposite to state the relative merits of the petitioner and respondent No.5 (as noticed by the Learned Collector), which is as under:-



<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Ram Sarup Singh)</i>	<i>Resp. No.5 (Karnail Singh)</i>
1	Age	53 years	61 years
2	Educational qualification	Graduate from Army (Certificate issued by Indian Army)	Graduate
3	Recommended by	----	Naib Tehsildar Raikot and SDM Raikot
4.	Others	Ex-serviceman	-----

5.1 Further, a bare perusal of the order passed by the Learned Collector would show that the petitioner was non-suited primarily on the ground that he was not the permanent resident of village Hissowal and to arrive at this conclusion, the Learned Collector has placed reliance upon Court document wherein, petitioner had shown his address to be that of village Jangpur.

6. The Learned Collector's order has been further affirmed by learned Commissioner as well as learned Financial Commissioner.

7. Before this Court as well, learned counsel for the petitioner has raised only one submission that he has been wrongly non-suited by the Revenue Authorities below by observing that he is not a resident of village Hissowal to which the *Lambardari* belongs. Learned counsel for the petitioner has placed reliance on various documents to show that he is resident of village Hissowal; however, in my considered view, even if the said fact is taken into consideration, even then respondent No.5 is more meritorious, inasmuch as that the candidature of respondent No.5 was recommended by both the lower Revenue Officers and also that respondent No.5 is more educated (being graduate) than the petitioner, who is stated to be a graduate from Army. It is noticeable that the petitioner has only done



matriculation and at the time of discharge from Army, he has been issued a certificate (Annexure P-24), which reads as under:-

“

INDIAN ARMY

Graduation Certificate

1. This is to certify that as per Government of India, Ministry of Personnel Public Grievance and Pensions (Department of Personnel & Training) ON No. 15012/8/82 Estt (D) dated 12 Feb 86, Ex-servicemen who are matriculate (which term includes an ex-servicemen who have obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or the Air Force), and has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to any reserved vacancy in Group 'C' posts for which the essential qualification is graduation and where experience of technical or professional nature is not essential.

2. In view of the above concession, Service No. 1551646M Rank Ex Hav/Elect Name & Initials. Ram Srup Singh Trade Elect who had served in the Indian Army for 18 years from 30 Apr...79 to 30 Apr...97 may be considered educationally qualified for reserved Group 'C' Posts where prescribed qualification is Graduation.

Office Seal

Date: **Apr 97**

Officer Incharge

Demob Section

Bombay Engineer Group and Centre”

7.1. From the perusal of the above-extracted certificate (**Annexure P-24**), it is made out that the petitioner is to be considered as a graduate only for seeking appointment to any reserved vacancy in group-C post for which essential qualification is graduation. On the other hand, respondent No.5 is a graduate.

8. At this stage, another submission has been raised by learned counsel for the petitioner that petitioner deserves preference on account of



the fact that he is an Ex-serviceman. I have considered the aforesaid contention raised on behalf of the petitioner, however, I find no merit in the same. It needs no reiteration that being an Ex-serviceman may be a valid consideration to be kept in view but it alone would not be enough for the petitioner to seek preference over other parameters required to be considered for appointment to the post of *Lambardar (SC)*.

9. In *Ranjit Singh v. Financial Commissioner, Animal Husbandry, 2011(53) RCR (Civil) 573*: a Division Bench of this court observed as under:-

"...Further, merely because the appellant was an Ex-Serviceman, the benefit of appointment cannot be given to him. Such a qualification may be one of the considerations. As per law, Collector's choice, unless it is vitiated in law and on facts, is not to be interfered in the case of appointment of a Lambardar..."

9.1 In *Ranbir Singh v. State of Haryana, 2015(36) RCR (Civil) 716*; a Division Bench of this Court held as under:-

"2. The admitted facts are that the Collector, Mahendergarh, on consideration of comparative merit of the appellant and respondent No.4, preferred the 4th respondent for appointment as Lambardar keeping in view the fact that he is younger in age as compared to the appellant; both possess the same academic qualifications and the land holding of respondent No.4, i.e., 3 acres, is more than that of the appellant, i.e, 2 kanal. The Collector vide his order dated 27.04.2010 also took notice of the fact that the appellant is an ex-serviceman and is son of the deceased-Lambardar. The aforesaid choice made by the Collector was duly approved by the Commissioner, Gurgaon Division as well as by the Financial Commissioner, Haryana, who dismissed the appellant's appeal and revision petition, respectively.

3. The above-stated orders passed by different authorities have been further upheld by the learned Single Judge.

4. It is vehemently contended on behalf of the appellant that the authorities have failed to give credit to the appellant that



he is an ex- serviceman, hence the impugned orders are ex-facie perverse.

5. We are, however, not impressed by the contention. It is not a case where the authorities have ignored the factum of the appellant being an ex-serviceman. The order reveals that the Collector was conscious of the fact that the appellant is an ex-serviceman and is also son of the deceased-Lambardar. Nevertheless, the Collector gave preference to respondent No.4 keeping in view his age and better land-holding. Even if two views are possible, it is not expedient for this Court to substitute the opinion and interfere with the orders under challenge..."

10. In the instant case, all the Revenue Authorities below have consistently found respondent No.5 to be a suitable candidate for appointment to the post of *Lambardar (SC)* and there is nothing adverse against him, which may warrant interference by this Court. It is well established that this Court can interfere in the order passed by the Revenue Authorities in the matters of appointment of *Lambardar*, in case the order is patently illegal or perverse or such an appointment is totally contrary to the Rules or the person so appointed is disqualified to be appointed as *Lambardar*. None of these grounds exists in the present case.

11. Considering the totality of circumstances, I find no merit in the petition and the same is accordingly dismissed.

12. All pending applications (if any) shall also stand closed.

December 23, 2025

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(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No