

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3005-2023 (O/M)
Date of decision : 27.02.2025

Satnam Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for respondent No. 5.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Satnam Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 05.09.2022 (Annexure P-11), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Ami Chand, previous Lambardar (SC) of village Kandoli Naurangpur, Tehsil Dasuya, District Hoshiarpur, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation, 5 candidates (including the petitioner-Satnam Singh and respondent No. 5-Jarnail Singh) applied for the aforesaid vacancy.

2.1 The Tehsildar, Dasuya as well as Sub Divisional Magistrate, Dasuya, recommended the candidature of the petitioner (Satnam Singh) for appointment to the aforesaid vacancy and the matter was placed before the learned Collector, Hoshiarpur (in short 'Collector').

2.2 Learned Collector, vide order dated 07.04.2016 (Annexure P-1), after considering the comparative merits and demerits of the candidates, appointed the petitioner (Satnam Singh) as Lambardar (SC) of village Kandoli Naurangpur, Tehsil Dasuya, District Hoshiarpur.

2.3 The learned Collector's order dated 07.04.2016 (Annexure P-1) was challenged by respondent No. 5 (Jarnail Singh) by filing an appeal before learned Commissioner, Jalandhar Division, Jalandhar (in short 'Divisional Commissioner'), however, the same was dismissed, vide order dated 30.07.2018 (Annexure P-4).

2.4 Still aggrieved, respondent No. 5 (Jarnail Singh) preferred a revision petition (ROR-849-2018) before learned Financial Commissioner, which came to be allowed, vide order dated 05.09.2022 (Annexure P-11), whereby the orders dated 07.04.2016 and 30.07.2018 (Annexure P-1 and Annexure P-4, respectively), passed by learned Collector as well as Divisional Commissioner, were set aside and respondent No. 5 (Jarnail Singh) was appointed as Lambardar (SC) of village Kandoli Naurangpur, Tehsil Dasuya, District Hoshiarpur. Hence, the present civil writ petition.

3. Heard.

4. Here, it would be relevant to state the relative merits of the petitioner as well as respondent No. 5, as noticed by learned Collector,

which is as under :-

Particulars	Petitioner (Satnam Singh)	Respondent No. 5 (Jarnail Singh)
Age	54	52
Educational qualification	Under-matric	Passed 10 th class in Army
Remarks	Remained Panch from the year 2008 till 2013	Ex-serviceman
Recommended by	Tehsildar, Dasuya and Sub Divisional Magistrate, Dasuya	--

5. Taking note of the aforesaid merits of the candidates, the learned Collector found the petitioner as most suitable candidate for appointment as Lambardar (SC), by observing as under :-

“ I have perused the file minutely. Candidates are heard in person. Candidate Jarnail Singh is 52 years and he has passed 10th from army. He is Ex-Army and is drawing pension. He is living in the village. Candidate Ram Dass is 61 years and is B.A. passed. He is working as labour, but criminal cases are going on against both the candidates, therefore these candidates are not entitled for Lambardari. Candidate Satnam Singh is aged 54 years and he is under matric. He is working as Mason and is living in the village. He is remained as panch from 2008-13 therefore he has good knowledge about the offices. Sub-Divisional Magistrate has also recommended for him to be Lambardar. Therefore Satnam Singh S/o Ram Singh is appointed as Lambardar of Village Kandhali Naurangpur, Tehsil Dasuya, District Hoshiarpur. Order pronounced. File is consigned to record room.”

5.1 The learned Collector's order has been further upheld by learned Divisional Commissioner, however, learned Financial Commissioner has set aside the orders passed by learned Collector as well as learned Divisional Commissioner and appointed respondent No. 5 (Jarnail Singh) as Lambardar (SC) of village Kandoli Naurangpur, Tehsil

Singh) was 52 years old, whereas the present petitioner (Satnam Singh) was 54 years, therefore, respondent No. 5 was younger in age. Learned Financial Commissioner further observed that respondent No. 5 was 10th pass and was an ex-serviceman, whereas the present petitioner was 8th pass and was working as a Mason, therefore, respondent No. 5 was better qualified and suitable candidate.

6. In my considered view, the order dated 05.09.2022 (Annexure P-11), passed by learned Financial Commissioner is unsustainable in the eyes of law as the same is contrary to the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. The learned Financial Commissioner has failed to appreciate that respondent No. 5 (Jarnail Singh) was involved in a criminal case and the present petitioner was a man of clean antecedents. Learned Financial Commissioner further ignored the fact that both the lower revenue officers had recommended the name of the petitioner for the post of Lambardar (SC), which has persuasive value. Once, the learned Collector had found the petitioner as a suitable candidate considering his clean antecedents and also that the lower revenue officers had recommended his name, in those circumstances, the choice of the learned Collector could not be held to be patently illegal or perverse. Furthermore, the choice of learned Collector was further upheld by learned Divisional Commissioner. It is also well established that the learned Collector is the main authority for appointment of the Lambardar, who not only appreciates the antecedents of all the candidates in the fray but also

personally interacts with them. Thus, the subjective satisfaction of the Collector, could not have been ignored in a cavalier manner by the learned Financial Commissioner.

7. In view of the above discussion, the instant civil writ petition is allowed. Accordingly, the order dated 05.09.2022 (Annexure P-11), passed by learned Financial Commissioner is set aside and the order dated 07.04.2016 (Annexure P-1), passed by learned Collector, appointing the petitioner (Satnam Singh) as Lambardar of village Kandoli Naurangpur, Tehsil Dasuya, District Hoshiarpur, is maintained.

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

(HARSH BUNGER)
JUDGE

27.02.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No