

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29700-2024 (O&M)
Date of decision : 10.01.2025

RAJINDER SINGH

...Petitioner

Versus

FINANCIAL COMMISSIONER (APPEALS), PUNJAB,
CIVIL SECRETARIAT PUNJAB, CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mandeep K. Sajjan, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

Mr. Hardeep Singh, Adocate
for caveator-respondent No.4
[*through video conferencing*].

HARSH BUNGER, J. (ORAL)

Petitioner (Rajinder Singh) has filed the instant civil writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *certiorari* for setting aside the order dated 09.08.2023 (Annexure P-1), passed by the learned Collector, Ferozepur (in short 'Collector'), whereby respondent No. 4 (Baljinder Singh) was appointed as *Lambardar* of Village Zira, Patti Gogoani, Tehsil Zira, District Ferozepur.

A further prayer has been made for setting aside order dated 11.01.2024 (Annexure P-2), passed by the learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner') and order dated 12.08.2024 (Annexure P-4), passed by learned Financial

Commissioner (Appeals), Punjab (in short 'Financial Commissioner'), whereby an appeal and revision filed by petitioner against Collector's order have been dismissed, respectively.

2. Briefly, on demise of Sh. Surjit Singh, previous Lambardar of Village Zira, Patti Gogoani, Tehsil Zira, District Ferozepur, proceedings were initiated for filling up the aforesaid vacancy; wherein, petitioner-Rajinder Singh as well as respondent No.4-Baljinder Singh were also the candidates. The learned Naib Tehsildar, Zira; Tehsildar, Zira as well as learned Sub-Divisional Magistrate, Zira recommended the candidature of respondent No.4-Baljinder Singh and placed the matter before the learned Collector, Ferozepur.

2.1 The learned Collector, Ferozepur; after considering the relative merits and demerits of the candidates, found respondent No.4-Baljinder Singh as most suitable candidate for the post of *Lambardar* and appointed him as such, vide order dated 09.08.2023 (Annexure P-1).

2.2 Being dis-satisfied with the Collector's order dated 09.08.2023 (Annexure P-1), the petitioner (Rajinder Singh) filed an appeal before learned Divisional Commissioner, which came to be dismissed, vide order dated 11.01.2024 (Annexure P-2), whereby learned Collector's order dated 09.08.2023 (Annexure P-1), appointing respondent No. 4 (Baljinder Singh) as Lambardar of Village Zira, Patti Gogoani, was upheld.

2.3 Still aggrieved, the petitioner preferred a revision petition (***ROR 151 of 2024***), before the learned Financial Commissioner, which was also dismissed vide order dated 12.08.2024 (Annexure P-4).

2.4 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for the relief/s, as noticed here-in-above.

3. Learned counsel for petitioner submits that the revenue authorities have erred in law and fact in passing the impugned orders and respondent No. 4 has been wrongly appointed as Lambardar, despite the fact that the petitioner is more meritorious than respondent No. 4. It is submitted that petitioner is not only more educated and younger in age than respondent No. 4 but he also has hereditary claim being son of deceased *lambardar*. It is next submitted that respondent No. 4 was not having any land in the concerned patti to which *Lambardari* pertains and the land shown in his name was transferred by his father on 15.07.2022, which is after the cut-off date i.e. 13.07.2022.

3.1 With the aforesaid submissions, prayer has been made for setting aside the impugned orders passed by revenue authorities and to further appoint petitioner as *Lambardar*.

4. Per contra, learned counsel appearing on behalf of respondent No. 4 has opposed the submissions made on behalf of the petitioner. It is submitted that learned Collector appointed respondent No. 4 as *Lambardar* vide order dated 09.08.2023 (Annexure P-1) in accordance with law and the same has been further affirmed by appellate as well the revisional authorities. It is contended that there is no illegality or perversity in the impugned orders, therefore no interference is required therein. Accordingly, prayer has been made for dismissal of the instant civil writ petition.

5. I have heard learned counsel for respective parties and have also perused the paper-book with their able assistance.

6. In the present case, respondent No. 4 (Baljinder Singh) was appointed as *Lambardar* of Village Zira (Patti Gogoani) by learned Collector and the said appointment has been affirmed by learned Commissioner as well as learned Financial Commissioner.

7. The main grievance of the petitioner is that his higher educational qualification has not been given weightage by the revenue authorities. I have considered the aforesaid plea and suffice it to say that no doubt, the petitioner is highly qualified, however merely a candidate being highly educated per se does not necessarily mean that he would make a good *Lambardar*. Further no minimum educational qualification is prescribed under the Land Revenue Rules. Respondent No. 4 (Baljinder Singh) has studied upto 10th class and that does not make him ineligible from holding the post of *Lambardar*. Learned Collector while comparing the merits/qualifications of the rival candidates, found respondent No. 4 (Baljinder Singh) as more suitable, therefore, the choice of the Collector is required to be respected. In ***Nirbhey Singh v. Financial Commissioner, Haryana, 2007(4) RCR (Civil) 594***; a Division Bench of this Court observed as under:-

“...It is worth-mentioning that the "Lambardari Rules" do not prescribe for any minimum educational qualifications for appointment of a Lambardar. Even illiterate persons can be appointed as Lambardar in the given circumstances of different cases. Moreover, the Collector while comparing the merits and qualifications of the rival candidates, found the petitioner as more suitable and acceptable and therefore, the choice of the Collector in selecting the petitioner for the post of Lambardar, has to be respected...”

7.1 The other plea of the petitioner is that he is younger in age than the respondent No. 4 (Baljinder Singh), however, I do not find any merit in the same. No doubt, the age of a candidate is a relevant factor for appointment to the post of *Lambardar* and Hon'ble the Supreme Court in ***'Mahavir Singh v. Khiali Ram and others', 2009(1) RCR (Civil) 757*** has

held that age of a candidate is a relevant factor; however, the age of a person is to be considered in the context of his physical ability and capacity to discharge his duties as a headman of the village. No such plea has been raised that respondent No. 4 (Baljinder Singh) is incapacitated from discharging the functions of a *Lambardar*, in view of his old age. There is nothing on record suggestive of the fact that any complaint was made against respondent No. 4 (Baljinder Singh) that he is not able to render his services properly owing to his old age. Accordingly, this plea of the petitioner is rejected.

7.2 As regards the plea of hereditary claim of the petitioner, the same is not tenable as the same offends Article 14 of the Constitution of India, as held by this Court in '*Karnail Singh v. The State of Haryana etc.*', **1973 PLJ 676**.

8. It is well established position in law that in the matter of appointment of *Lambardar*, choice of the District Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. In this regard, reference can be made to *Kuldip Singh Versus Financial Commissioner, Appeals-II, Punjab*, **2016(1) RCR (Civil) 273**.

8.1 The Collector, Commissioner and Financial Commissioner have recorded concurrent findings that respondent No. 4 is the better candidate. Hon'ble the Division Bench of this Court in '*Ravinder Singh v. Financial Commissioner (Revenue), Punjab Chandigarh and others*', **2012 (68) RCR (Civil) 288**., observed as under:-

“...In a process of selection, perceptions as to the comparative merits and suitability of a candidate, would vary from person to person and, therefore, from Court to Court. It is an established principle that judicial

review of such an order is confined to an appraisal of the impugned order so as to discern whether it is perverse, arbitrary or violates the provisions of any statutory enactment. Thus, till such time the choice of the Collector does not suffer from any of the above disabilities, it shall be deemed to be final. As the order passed by the Collector, is neither perverse nor arbitrary and does not infringe any statutory provision, the choice of the Collector was rightly upheld by the Commissioner, Financial Commissioner and the learned Single Judge...”

9. Considering the totality of circumstances, I do not find any illegality or perversity in the order dated 09.08.2023 (Annexure P-1), passed by learned Collector, Ferozepur and also the order dated 11.01.2024 (Annexure P-2), passed by learned Commissioner, Ferozepur and the order dated 12.08.2024 (Annexure P-4), passed by learned Financial Commissioner.

10. Resultantly, the instant civil writ petition fails and the same is accordingly dismissed. The appointment of respondent No. 4 (Baljinder Singh) as Lambardar of Village Zira, Patti Gogoani, Tehsil Zira, District Ferozepur, is hereby maintained.

11. All pending application/s, if any, shall also stand closed.

January 10, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No