



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

117

LPA-229-2025 (O&M)

Date of Decision: August 11, 2025

Sukhjinder Singh

.....Appellant(s)

Vs.

**The Financial Commissioner, Punjab
and others**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Vijay Lath, Advocate
for the appellant (s).

ASHWANI KUMAR MISHRA J. (ORAL)

CM-526-LPA-2025

The present application has been filed seeking condonation of delay of 43 days in refiling the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is *allowed* and delay of 43 days in refiling the appeal, is hereby condoned.

CM-527-LPA-2025

The present application has been filed seeking condonation of delay of 67 days in filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is *allowed* and delay of 67 days in filing the appeal, is hereby condoned.

LPA-229-2025

This appeal assails the judgment dated 22.07.2024 passed by learned Single Judge in CWP-16894-2024, whereby the writ petition has been dismissed and the order passed by District Collector, as affirmed by Divisional Commissioner, Patiala and Financial Commissioner, Punjab, regarding the appointment of respondent No.4 as *Lambardar*, is upheld.

2. Learned Single Judge has noticed the respective merit of the two candidates in para 9 of the order, which is reproduced hereunder:-

3. Two grounds were raised before the learned Single Judge to assail the decision of State authorities in selecting respondent No.4 as *Lambardar*. First was that respondent No.4 had availed three loans and the second was the hereditary claim of the appellant.

4. In so far as the availing of loan is concerned, we are in respective agreement with the view taken by the learned Single Judge that mere availing of loan from a bank or any other financial institution, cannot be treated to be a case of indebtedness. The concept of being free from indebtedness is essentially to examine the solvency of the candidate. Availing of loan from a bank in such circumstances cannot to be to the detriment of the candidature of the person concerned.

5. So far as hereditary claim is concerned, the consideration enumerated in **Rule 15 of Punjab Land Revenue Rule** has to be adequately balanced. The consideration specified in the Rules are contained in Rule 15, which is reproduced:-



*“15. **Matters to be considered in first appointment:** In all first appointments of headman, regard shall be had among other matters to -*

(a) his hereditary claims;

(b) the property in the estate possessed by the candidate to secure the recovery of land revenue;

(c) service rendered to the State by himself or by his family;

(d) his personal influence, character, ability and freedom from indebtedness;

(e) the strength and importance of the community from which selection of a headman is to be made;

(f) service rendered by himself or by his family in the national movements to secure freedom of India.]”

6. The Collector, for the purposes of appointment to the post of *Lambardar* is required to take into consideration the merits and de-merits of the candidate, which are enumerated in the Rules. One of the factor, taken in itself, will not be conclusive and a cumulative assessment is to be made of the factors enumerated in the Rules. It is comparative merit on all aspects, which would be required by the Collector, whose opinion is entitled to weight.

7. The conclusion drawn by the authorities in holding the respondent to have superior merit on account of his qualifications, cannot be said to be perverse or contrary to the Rules

8. In view of the fact that the Collector upon appreciation of related merit has found the respondent No.4 to be superior/better candidate for the post of *Lambardar*, with which the authorities have consistently concurred, we do not find any occasion to interfere in the judgment passed by learned Single Judge.



- 9. Accordingly, the appeal stands *dismissed*.
- 10. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

August 11, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No