

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29395-2023 (O/M)

Date of decision : 27.11.2025

Gurwinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Suresh Singla, Mr. Shubham Gupta, Advocates
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

Mr. Sunny K. Singla, Advocate
for respondent No. 4.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside the order dated 18.05.2017 (Annexure P-16), issued on 24.05.2017; passed by learned Collector, Barnala (in short 'Collector'); order dated 25.04.2018 (Annexure P-18), passed by the learned Commissioner, Patiala Division, Patiala (in short 'Divisional Commissioner') and order dated 16.02.2023 (Annexure P-20), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Balvir Singh, previous Lambardar of village Vazeedke Khurd, Tehsil and District Barnala, proceedings were initiated for filling up the aforesaid vacancy.

2.1 When the proceedings were placed before learned Collector then an application was submitted by respondent No. 5 (Gurdev Singh), highlighting that he had submitted an application dated 28.03.2016 for being appointed to the post of Lambardar of village Vazeedke Khurd, however, same was not considered by revenue authorities below.

2.2 Upon considering the matter, learned Collector, keeping in view the interest of justice and to ensure that all eligible candidates can apply for the post of Lambardar, passed an order dated 18.05.2017 (issued on 24.05.2017)-Annexure P-16), directing that fresh proclamation (mustri munadi) be conducted in the village in the presence of respectable persons, so that no-one has any objection in that regard. Accordingly, fresh recommendations were sought from lower revenue authorities.

2.3 Feeling aggrieved against Collector's order dated 18.05.2017 (issued on 24.05.2017)-Annexure P-16), petitioner (Gurwinder Singh) preferred an appeal before learned Divisional Commissioner, however, same was dismissed, vide order dated 25.04.2018 (Annexure P-18). The relevant extract of order dated 25.04.2018 (Annexure P-18) reads as under :-

“4. I have heard both the counsels and have also gone through the order passed by District Collector, Barnala. In this case the Collector has ordered to make fresh proclamation in the village for inviting applications of interested and eligible candidates for the post of Lambardar vide order dated 18.5.2017. The main assertion of the appellant is that proper Munadi was done in the village by Patwari halqa through Chowkidar and 8 persons had applied for the post of Lambardar and as such it cannot be said that proper Munadi was not done in the village and there is no need to make fresh Munadi in the village. After

perusing all the facts of the case, it is evident that no Munadi was ever directed in the Village for inviting applications for the post of Lambardar in the presence of respectable persons of the village. Moreover, the respondent no. 2 had appeared before District Collector and had pleaded that he had filed application dated 28.3.2016 for considering his candidature for the post of Lambardar but the lower revenue authorities have not considered the same whereas his candidature was also required to be considered by the lower revenue officers. Moreover the appellant has not been debarred from applying for this post in fresh Munadi proceedings and as such no harm is caused to the appellant if fresh Munadi is done in the village. In view of the above, am of the opinion that the Collector has rightly ordered to make fresh proclamation in the village in the presence of respectable persons of the village for inviting applications of interested and eligible candidates for the post of Lambardar. The appellant is also at liberty to file fresh application for appointment as Lambardar of the village as and when fresh munadi is conducted in the village. In view of the above, I do not find any reason to interfere in the Orders passed by District Collector, Barnala. Thus, the appeal filed in this case has no merits and the same is hereby dismissed.”

2.4 Still aggrieved, petitioner (Gurwinder Singh) preferred a revision petition (ROR-708-2018) before the learned Financial Commissioner, which has also been dismissed, vide order dated 16.02.2023 (Annexure P-20). The relevant extract of order dated 16.02.2023 reads as under :-

“5. I have heard counsels for both the parties and perused the Orders of lower courts on file. After the death of previous Lambardar of village Vazeedke Khurd, the process was ordered to be initiated for filling up the said post. The Ld. District Collector after perusing all the facts of the case further remanded the case back to Assistant Collector 1st

Grade-SDM for making fresh munadi. The Ld. Collector observed that the mustri munadi was not conducted in effective manner. As such, interested persons have failed to avail due opportunity for filling up the application for the post of Lambardar. As per principles of natural justice proper opportunity has not been provided to the villagers. Further, if fresh munadi is done in the village, the appellant has not been debarred. They are free to file application. Therefore, I do not find any flaw in the Order of Ld. Collector, Barnala as well as Order of Ld. Commissioner, Patiala Division, Patiala. Hence, this Revision Petition is dismissed being devoid of any merit.”

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

4. I have heard learned counsel for respective parties and have perused the paperbook with their able assistance.

5. During the course of hearing, learned counsel for petitioner could not refer to any document indicating that effective proclamation (mustri munadi) for filling up the post of Lambardar was carried out in the village. Neither any proclamation report nor any entry in rapart rojnamcha has been referred to.

5.1 In the absence of any document indicating that effective proclamation was carried out in village, I see no compelling reason to interfere in the impugned orders.

5.2 Even otherwise, no prejudice is going to be caused to petitioner, if fresh proclamation is carried out in the village as petitioner would be at liberty to again apply for the post of Lambardar, in pursuance to fresh proclamation to be carried out in village.

6. Keeping in view the above, the instant civil writ petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

27.11.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No