

132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2703-2026 (O/M)
Date of decision : 12.03.2026

Shiv Kumar Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Mahesh Sharma, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.
-.- -.-

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 03.01.2022 (Annexure P-1), passed by learned Collector, Rupnagar (in short 'Collector'); order dated 30.09.2022 (Annexure P-2), passed by the learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and order dated 09.08.2024 (Annexure P-6), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Krishan Lal, previous Lambardar of village Saini Majra, Tehsil Sri Anandpur Sahib, District Rupnagar, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner-Shiv Kumar (in short 'petitioner') and respondent No. 6-Des Raj (in short respondent No. 6) were also the candidates.

2.1 Learned Naib Tehsildar, Nurpur Bedi recommended the candidature of one Gursharanjit Singh, whereas Tehsildar, Anandpur Sahib recommended the candidature of respondent No. 6 for appointment to the aforesaid vacancy and placed the matter before learned Collector.

2.2 Learned Collector, after considering the merits and demerits of the candidates, found respondent No. 6 as a suitable candidate and, accordingly, appointed him as Lambardar of village Saini Majra, vide order dated 03.01.2022 (Annexure P-1).

2.3 Feeling aggrieved against learned Collector's order dated 03.01.2022 (Annexure P-1), petitioner preferred an appeal before learned Divisional Commissioner. Similarly, other candidate, namely, Gursharanjit Singh also preferred an appeal against learned Collector's aforesaid order. Both the aforesaid appeals came to be dismissed by learned Divisional Commissioner, vide a common order dated 30.09.2022 (Annexure P-2).

2.4 Still aggrieved, petitioner preferred a revision petition (ROR-62-2023) before learned Financial Commissioner. Similarly, another candidate, namely, Gursharanjit Singh, also preferred his separate revision petition (ROR-1162-2022) before learned Financial Commissioner. Both the aforesaid revision petitions came to be dismissed by learned Financial Commissioner, vide a common order dated 09.08.2024 (Annexure P-6).

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

4. Learned counsel for petitioner has primarily raised two submissions; firstly, that the petitioner is younger in age than respondent No. 6 and secondly, that during the COVID period, respondent No. 6 had violated Government instructions and accordingly, a case FIR No. 34 dated 21.03.2021 under Sections 188, 269 IPC and under Section 51 (b) of Disaster Management Act, 2005 was registered against him. It is accordingly, contended that respondent No. 6 is not a fit candidate for appointment to the post of Lambardar.

5. Heard.

6. As far as first contention raised on behalf of petitioner is concerned, no doubt, the age of a candidate is a relevant factor for appointment to the post of Lambardar; 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. 6 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 him that he is not able to render his services properly owing to his old age. In this scenario, rejecting the claim of respondent No. 6 on the ground that he is older than petitioner, especially when he was appointed as Lambardar by the learned Collector and further affirmed by Divisional Commissioner as well as learned Financial Commissioner; may amount to injustice to him. Similar view was taken by a Division Bench of this Court in '**Ram Kumar v. The Financial Commissioner, Haryana and others**', 2013 (2) RCR (Civil) 1038.

6.1 As regards second contention that during the COVID period, respondent No. 6 had violated Government instructions and a case FIR No. 34 dated 21.03.2021 under Sections 188, 269 IPC and under Section 51 (b) of Disaster Management Act, 2005 was registered against him, a query was raised to learned counsel for petitioner as to whether any charges were framed against respondent No. 6 and he was ever convicted therein. In response thereto, learned counsel for petitioner has fairly submitted that he has no instructions in that regard. In the absence of any material on record to suggest that respondent No. 6 was ever chargesheeted in any case on account of violation of Government instructions, in the aforesaid case FIR No. 34, dated 21.03.2021 no finding can be returned in that regard. Rather, learned Divisional Commissioner has taken note of the aforesaid ground and recorded a categorical finding that the case FIR was registered against Manager of respondent No. 6. Even from the vernacular copy of case FIR No. 34 dated 21.03.2021, it is made out that in the column meant for details of accused, name of respondent No. 6 is not mentioned therein.

6.2 Be that as it may, all the revenue authorities have consistently found respondent No. 6 as a suitable candidate. Even the factum of registration of a case FIR No. 34, dated 21.03.2021 has not impacted their decision in favour of respondent No. 6.

7. Considering the totality of circumstances, since respondent No. 6 has been found to be a suitable candidate for appointment to the post of Lambardar and said view has been further affirmed by learned Divisional Commissioner and learned Financial Commissioner,

accordingly, I see no compelling reasons, which may warrant interference by this Court in the impugned orders.

8. Resultantly, the instant civil writ petition fails and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

12.03.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No