



CWP-3721-2023 (O&M)

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

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CWP-3721-2023 (O&M)

Date of decision: 01.04.2026

Harnail Singh

....Petitioner

Vs.

Financial Commissioner (Appeals), Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vardaan Seth, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Ms. Shreya Rana, Advocate
for respondent No.2.

HARSH BUNGER J. (Oral)

1. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 17.11.2022 (Annexure P-10) passed by learned Financial Commissioner (Appeals), Punjab.

2. Written statement on behalf of respondent No.2 is filed by learned counsel for the respondent No.2 in Court today, which is taken on record, subject to all just exceptions.

3. Briefly, upon demise of Sh. Gurdev Singh, previous Lambardar (General) of village Ramgarh, Tehsil Amloh, District Fatehgarh Sahib, proceedings were initiated for filling up the said vacancy, wherein the present



petitioner (Harnail Singh) and respondent No.2 (Hardeep Singh) were also the candidates.

3.1 It appears that, the learned Assistant Collector 2nd Grade, Almoh, recommended the candidature of the petitioner (Harnail Singh), whereas learned Assistant Collector 1st Grade, Almoh, recommended the candidature of respondent No.2 (Hardeep Singh), for appointment to aforesaid vacancy and placed the matter before the learned Collector.

3.2 The learned Collector upon considering the relative merits and demerits of the candidates, found respondent No.2 (Hardeep Singh) as a suitable candidate; and accordingly vide order dated 07.08.2012 (Annexure P-2) appointed him as Lambardar of village Ramgarh, Tehsil Amloh, District Fatehgarh Sahib.

3.3 Feeling aggrieved against the aforesaid learned Collector's order dated 07.08.2012 (Annexure P-2), the present petitioner (Harnail Singh) preferred an appeal before the learned Commissioner, Patiala Division, Patiala. Similarly, another candidate namely Gurmeet Singh also preferred a separate appeal challenging the learned Collector's order. Both the aforesaid appeals came to be disposed of by learned Commissioner, Patiala Division, Patiala, vide order dated 29.10.2013 (Annexure P-5), whereby, matter was remanded to the learned Collector for the fresh decision.

4. Thereafter, on remand, the learned Collector, vide order dated 02.06.2014 (Annexure P-6) again appointed respondent No.2 (Hardeep Singh) as Lambardar of village Ramgarh, Tehsil Amloh, District Fatehgarh Sahib.



4.1 Feeling aggrieved against the learned Collector's order, present petitioner preferred an appeal before the learned Commissioner, Patiala Division, Patiala, which came to be allowed vide order dated 29.11.2014 (Annexure P-8); whereby the learned Collector's order dated 02.06.2014 (Annexure P-6) was set aside and petitioner (Harnail Singh) was appointed as Lambardar of village Ramgarh, Tehsil Amloh, District Fatehgarh Sahib.

4.2 Feeling dissatisfied, respondent No.2 preferred a revision petition (ROR No.45 of 2017) before the learned Financial Commissioner, Punjab which has been allowed vide order dated 17.11.2022 (Annexure P-10), whereby the aforesaid order dated 29.11.2014 (Annexure P-8) was set set aside and the order dated 02.06.2014 (Annexure P-6) passed by learned Collector, appointing respondent No.2 (Hardeep Singh) as Lambardar was maintained.

5. In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief(s) as noticed hereinabove.

6. Heard.

7. Apparently, respondent No.2 (Hardeep Singh) was appointed as Lambardar by the learned Collector vide order dated 02.06.2014 (Annexure P-6). Although on an appeal being filed by the petitioner (Harnail Singh), the learned Commissioner vide order dated 29.11.2014 (Annexure P-8) had set aside the aforesaid learned Collector's order and appointed petitioner as the Lambardar; however on a further revision petition (ROR No.45 of 2017) being filed by respondent No.2 (Hardeep Singh), learned Financial Commissioner vide order dated 17.11.2022 (Annexure P-10) has set aside the learned Commissioner's order dated 29.11.2014 (Annexure P-8) and the



learned Collector's order appointing respondent No.2 (Hardeep Singh) as Lambardar has been maintained, by observing as under:-

“5. I have heard the Ld. Counsel for the petitioner and gone through the orders of lower courts carefully and also considered the argument of the petitioner. The Ld. Collector have evaluated the merits and demerits of both the candidates and only after that, appointed the petitioner Hardeep Singh as lambardar. I am in agreement with the pleadings, citations and copy of judgments submitted by the Counsel for the petitioner. The choice of the District Collector cannot be set aside unless there is some patent illegality. There should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is only the prerogative of Collector to compare the merits of the candidates for appointment of the post of Lambardar. In this case the Ld. Commissioner, Patiala has exceeded his jurisdiction and usurped the authority of District Collector, Patiala while appointing the respondent as Lambardar that too, without assigning any cogent reasons.

6. The respondent Harnail Singh convicted in criminal case FIR No. 68 dated 25.08.2013 lodged u/s 307/148/149 of the Indian Penal Code read with section 25/27/54/59 of the Arms Act, in the Police Station Mulepur, District Fatehgarh Sahib alongwith others, he has been convicted and sentenced u/s 307 of the Indian Penal Code to undergo Rigorous Imprisonment for a period of 7 years and to pay fine Rs. 20,000/- vide judgement dated 26.11.2019 passed by the court of Ld. Additional Sessions Judge, Fatehgarh Sahib. That as per the provisions of Rule 16 of the Punjab Land Revenue Rules, it clearly shows that if the Lambardar is sentenced to imprisonment for one year or upwards or to any heavier sentence, he shall be dismissed from



the post of lambardar immediately. Rule 16 of the Punjab Land Revenue Rules is reproduced as under:

“16. Dismissal of headmen-headman shall be dismissed when-

(a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence; or”

That as per the relevant provisions of the Punjab Land Revenue Rules, it clearly shows that, if the candidate is involved in criminal cases, then he is not entitled for the post of lambardar.

7. In view of above discussions, I don't see any perversity in the well reasoned order dated 02.06.2014 passed by the Ld. District Collector, Fatehgarh Sahib which is sustainable in the eyes of law. Therefore, the instant revision petition is accepted and the impugned order dated 29.11.2016 passed by the Ld. Divisional Commissioner, Patiala is set aside.”

7.1. A perusal of the above-extracted observations made by learned Financial Commissioner would show that the petitioner has been non-suited primarily on the ground that the petitioner stands convicted in a criminal case bearing FIR No. 68 dated 25.08.2013 registered under Sections 307/148/149 of I.P.C. read with Sections 25/27/54/59 of the Arms Act, at Police Station Mulepur, District Fatehgarh Sahib, and further sentenced to undergo imprisonment for a period of 7 years, vide judgment dated 26.11.2019.

8. A Division bench of this Court in ***"Harjit Singh v. State of Punjab", 2023 (4) RCR (Civil) 408***; held that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar. The relevant extract thereof reads as under: -

"5. The appellant has also placed on record the criminal proceedings as such in which the respondent Sahib Singh was



involved, which would go on to show that he was involved in a sessions case and was tried by the Additional Sessions Judge, Kangra at Dharamshala under Sections 402, 399, 395 read with Section 34 IPC in an incident which had taken place on 11.03.1999. The allegations were that four persons had got down in front of the Commission Agent who was carrying the amount of commission from different shopkeepers and were armed with sharp edged weapons and they hijacked his vehicle alongwith cash which he had kept in his car and he had thus been robbed of Rs.9,50,000/-. It is another matter as such that eventually, the case ended in acquittal on the ground that the recovery of the currency notes could not be linked with the commission of the crime. It is also to be noticed that out of the accused persons, three of them were residents of villages falling under Police Station Sujanpur, Pathankot, Punjab including Sahib Singh. The recovery was also effected of Rs.4,73,941/- and though as noticed above, the acquittal is on technical grounds as such. The Maruti car which had also been hijacked on 11.03.1999 was also subsequently found abandoned without number plates in the fields. It was held by the trial Court that on account of the fact that the identification in Court by the complainant was after more than 1 year of the occurrence and since the accused were not known to him and it was only for a short time they had interacted and he had himself stated that he had not seen the faces of the unidentified persons, the Court had given benefit as such. The allegations were grossly serious and in such circumstances, merely because the District Collector did not specifically refer to them but had gone through the list of cases and kept the principle in mind as laid down by this Court, we are of the considered opinion that persons having criminal antecedents cannot be permitted to be appointed as a Lambardar... "

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9. Considering the totality of the circumstances, I see no illegality or perversity in the order dated 17.11.2022 (Annexure P-10) passed by learned Financial Commissioner (Appeals), Punjab, which may warrant any interference by this Court. In the attending circumstances learned Financial Commissioner was justified in setting aside the learned Commissioner's order and maintaining the order passed by learned Collector whereby the respondent No.2 (Hardeep Singh) was appointed as the Lambardar. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

10. All pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

01.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No