

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5028-2024 (O/M)
Date of decision : 18.02.2026

Hardev Singh Petitioner

Versus

Financial Commissioner Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

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

-. -

-. -

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 14.12.2023 (Annexure P-7), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Raghveer Singh, previous Lambardar (SC) of village Panjola, Tehsil and District Fatehgarh Sahib, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner-Hardev Singh (in short 'petitioner') and respondent No. 4-Onkar Singh (in short 'respondent No. 4') were also the candidates.

2.1 Assistant Collector 2nd Grade, Fatehgarh Sahib as well as
Assistant Collector 1st Grade, Fatehgarh Sahib recommended the

candidature of respondent No. 4 for appointment to the aforesaid vacancy and placed the matter before learned District Collector, Fatehgarh Sahib (in short 'Collector').

2.2 Learned Collector, upon considering the comparative merits and demerits of candidates, found petitioner as a most suitable candidate and appointed him as Lambardar (SC) of village Panjola, vide order dated 28.06.2017 (Annexure P-1).

2.3 Feeling aggrieved against learned Collector's order dated 28.06.2017 (Annexure P-1), respondent No. 4 preferred an appeal before learned Commissioner, Patiala Division, Patiala (in short 'Divisional Commissioner'), which came to be dismissed, vide order dated 28.11.2017 (Annexure P-3).

2.4 Still aggrieved, respondent No. 4 preferred a revision petition (ROR-174-2018) before learned Financial Commissioner, which came to be allowed, vide order dated 14.12.2023 (Annexure P-7), whereby the matter has been remanded to learned Collector for reconsidering the inter-se merits of both candidates by passing an appropriate order.

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

4. A perusal of order sheets would reveal that while issuing notice of motion in this case, operation of order dated 14.12.2023 (Annexure P-7) was stayed by this Court on 02.04.2024

5. Heard.

6. Here it would be apposite to refer to the comparative merits of the candidates (i.e. petitioner and respondent No. 4) as on date of

consideration by learned Divisional Commissioner, which can be summed up as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Petitioner (Hardev Singh)</i>	<i>Respondent No. 4 (Onkar Singh)</i>
<i>1.</i>	<i>Age</i>	<i>27 years</i>	<i>25 years</i>
<i>2.</i>	<i>Educational qualification</i>	<i>Matric</i>	<i>10+2</i>
<i>3.</i>	<i>Occupation</i>	<i>Pathi in Gurudwara</i>	<i>Working as security guard at village Jalvera</i>
<i>4.</i>	<i>Recommended by</i>	<i>---</i>	<i>Tehsildar, Sub- Divisional Magistrate.</i>

6.1 From the above referred comparison, it is made out that the petitioner and respondent no. 4 are almost of same age. Further, no doubt respondent No. 4 is more educated (being 10+2) than petitioner who is stated to have done Matric, however, in State of Punjab no minimum educational qualification is prescribed for the post of Lambardar and therefore petitioner cannot be said to be ineligible or disqualified on account of his less educational qualification.

6.2 Admittedly, petitioner is working as a Pathi in the village Gurudwara whereas respondent no. 4 is working as a security guard in another village Jalvera and owing to his nature of duty, he will not be readily available to the villagers to discharge the duties of Lambardar. In case of ***Gurinder Singh v. State of Punjab, 2015(3) RCR (Civil) 1041***; this court had observed that for rendering service to the village community, the presence of the Lambardar in the village has to be ensured and in the event of non-availability, the superior qualifications of a candidate are of no consequence.

6.3 Evidently, learned Collector had appointed petitioner as the Lambardar, which was further affirmed by the learned Commissioner. In the case of ***Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273***; it was held by the Division Bench of this Court that choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is any patent illegality or perversity therein. It is also well established that the learned Collector not only appreciates the merits/de-merits of all the candidates in the fray but also personally interacts with them. Thus, the subjective satisfaction of the Collector, is not to be lightly ignored.

7. In the present case, learned Financial Commissioner set aside the appointment of petitioner as Lambardar and further remanded the case to learned collector for fresh consideration; primarily on the ground that there is allegation of illegal possession over panchayat land by petitioner.

7.1 During the course of hearing of this petition, a specific query was raised to the learned counsel for the respondent no. 4 to refer to any eviction proceedings or eviction order against the petitioner, however he failed to refer to any such material. The only document on which reliance is placed upon is the resolution dated 10.12.2015 (Annexure P-6) of Gram Panchayat, wherein it has been stated that Hardev Singh (Petitioner) was given Khasra No. 16//4/2(5-1) and 18//17/1(2-13) on lease in the year 2007-08; however he neither paid lease money nor gave possession of land. In order to counter the said allegation, learned counsel for petitioner has placed reliance upon a report dated 08.03.2016 (Annexure P-9) of revenue officials, which reads as under:-

“It is submitted that as per record, Khasra No. 16//4/2(5-1) is not present in village Panjola and Khasra No. 18//17/1 (2-13) is the ownership of Nagar Panchayat and its Girdawari is in the name of Kartar Singh son of Amar Singh. Therefore, report is submitted...”

7.2 Similar is the report dated 14.02.2024 (Annexure P-10), which is also substantiated by entries in Khasra Girdawari (Annexure P-11) regarding Khasra No. 18//17/1 (2-13) for crops Kharif 2011 to 2015 and crops Kharif 2021 to crop Rabi 2023. Thus, in my considered view, learned Financial Commissioner has erred in setting aside the appointment of petitioner as Lambardar.

8. In view of the above, the order dated 14.12.2023 (Annexure P-7) passed by learned Financial Commissioner, Punjab, is set aside. Resultantly, the instant writ petition is allowed and the order dated 28.06.2017 (Annexure P-1) passed by learned Collector, Fatehgarh Sahib, appointing the petitioner as Lambardar of Village Panjola, Tehsil and District Fatehgarh Sahib, is maintained.

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

(HARSH BUNGER)
JUDGE

18.02.2026
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No