

2026:PHHC:054658-DB



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

Date of decision : 02.04.2026

1. LPA-662-2024 (O&M)

Kanwarpal Singh

...Appellant

Vs.

**Financial Commissioner, Appeals
and others**

...Respondent(s)

2. LPA-805-2024 (O&M)

Kanwarpal Singh

...Appellant

Vs.

**Financial Commissioner, Appeals
and others**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rakesh Sobti, Advocate for the appellant.

Mr. Yatin Bunker, AAG, Punjab.

**Mr. Sanjeev Kumar Arora, Advocate for respondent No.4 and
Mr. Lovish Arora, Advocate for respondent No.5
in LPA-662-2024.**

DEEPAK MANCHANDA, J.

1. This order shall dispose of two appeals i.e. LPA-662-2024 and LPA-805-2024 as the issues involved in both these cases are same. The facts of LPA-662-2024 are being considered for the adjudication of both the appeals.
2. Through the present intra-court appeal, the appellant has challenged the impugned judgment dated 30.01.2024, whereby the writ petitions filed by respondent Nos. 4 and 5 were allowed and the matter was remanded to the Collector i.e respondent No.3 for fresh adjudication.

3. The facts emanating from the pleadings in the present appeal are that the appellant was selected as Lambardar of Village Tibbi Khurd, District Ferozepur, as the post fell vacant on 23.10.2009. Pursuant thereto, applications were invited and as many as ten candidates, including respondent Nos. 4 and 5, applied for the said post. Respondent No. 3, upon consideration, found the appellant to be the most suitable candidate and appointed him as Lambardar vide order dated 21.12.2011 (Annexure P-1), while rejecting the candidature of the remaining applicants. Aggrieved by the said appointment, the other candidates including respondent Nos. 4 and 5 preferred appeals before the Commissioner, which came to be dismissed vide order dated 01.11.2012, thereby affirming the order passed by respondent No. 3. Thereafter, the said order dated 01.11.2012 was further assailed by way of revision petitions before respondent No. 1, which were also dismissed vide order dated 30.01.2018, again upholding the order passed by respondent No. 3. Subsequently, respondent Nos. 4 and 5 challenged the aforesaid orders by filing writ petitions bearing CWP Nos. 14767 of 2018 and 1952 of 2024, which were allowed vide the impugned judgment dated 30.01.2024. The orders passed by the authorities below were set aside, and the matter was remanded to respondent No. 3, i.e. the Collector, for fresh decision after affording an opportunity of hearing to the concerned parties. Now, impugned judgment dated 30.01.2024 has been assailed in this intra-court appeal.

4. Learned counsel for the appellant contends that respondent No.3 i.e. the Collector had duly evaluated the inter se merits of the candidates and upon such consideration had selected the appellant as a most suitable candidate. It is submitted that the said well-reasoned decision has been set

aside by the learned Single Judge without proper appreciation of the material available on record. Learned counsel further contends that respondent No.4 was holding multiple positions, including that of President/Member of local bodies, and was thus rightly found unsuitable for appointment to the post of Lambardar by respondent No. 3. However, this material aspect has been overlooked by the learned Single Judge.

5. It is further argued that the learned Single Judge ignored the relevant considerations and the settled criteria governing such appointments, which had been duly satisfied by the appellant. Instead, the merits were reassessed by disregarding the consistent findings recorded by all three authorities, which had upheld the selection of the appellant. Hence, the interference by the learned Single Judge, therefore, is stated to be unwarranted and legally unsustainable.

6. Heard.

7. The relevant findings recorded by the learned Single judge are reproduced hereunder –

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the process for the appointment of new Lambardar in Village was initiated on the death of the earlier Lambardar. The applications were received from the petitioner, respondents and other candidates. Learned Collector on appreciation of the reports and character antecedents, found respondent No.4 to be the most suitable candidate and thus, appointed him as Lambardar of the Village. Learned Collector found Joginder Singh (petitioner in CWP-1952-2024) less educated than other candidates. It was also found that his two brothers were already Lambardars of other villages and therefore it was not deemed appropriate to appoint him as Lambardar. Similarly, candidate Inderjit Singh (petitioner in CWP-14767-2018) was found to be President of Cooperative Society, Tibbi Khurd and also President of Village Youth Club. As, he was found to be holding a number of posts, therefore, he was also not found suitable candidate for his appointment as Lambardar. A complaint under Sections 326, 324, 323, 148 and 149 was found to be pending against Iqbal Singh wherein, he

was summoned by the Court and ultimately, Collector appointed respondent No.4 as Lambardar of the Village Tibbi Khurd. The main argument raised by counsel for the petitioner-Inderjit Singh is that petitioner was rejected by the Collector on the ground that he was holding other posts of responsibility and thus, he could not be available to discharge his duties as Lambardar. However at the relevant time of appointment, petitioner denied of holding any of these posts and thus, he contended to be more meritorious for his appointment as Lambardar but the Collector failed to appreciate the same. Similarly, the main argument of petitioner-Joginder Singh is that his claim was rejected because two members of his family were already Lambardar and the Collector has not appreciated the fact that the brothers of petitioner were not Lambardar of the same Village and all brothers were living separate from each other.

There is no dispute regarding the judgments relied upon by learned counsel for respondent No.4, however, on the facts and circumstances of the case, the same are distinguishable.

There is no gainsaying that the Collector is a prime authority for appointment of Lambardar. However, in the facts and circumstances of the case, it is apparent that the merits of each candidate has not been appreciated by the Collector and similarly the effect of two persons of a family being already appointed as Lambardar and non-availability of Inderjit Singh due to holding of alleged other posts have not been appreciated by the learned Collector especially when it is contended that at the time of his appointment, he was not holding those posts. Thus, the evidences of the parties deserve to be re-appreciated and the order passed by the Collector being perverse, the case needs to be decided afresh. Consequently, the orders dated 21.12.2011, 01.11.2012 and 30.01.2018 are set aside. The case is remanded to the Collector for decision afresh, who would decide the same expeditiously, preferably, within three months from the date of receipt of copy of this order after hearing all the parties. Office is directed to send copy of this order to the Collector concerned forthwith who on receipt of the same will issue notice for appearance to all the parties and proceed with the matter.

Both the petitions are disposed of in above-terms.

8. A perusal of the impugned judgment as well as the material available on record reveals that the learned Single Judge has set aside the orders passed by respondent Nos. 1 to 3 primarily on the ground that the candidature of respondent No. 4 had been rejected solely on the premise that at the relevant time he was holding the posts of President of a Cooperative Society and President of the Village Youth Club. However, it was found that

respondent No. 4 was, in fact, not holding any such positions at the relevant time, and this material aspect had not been duly appreciated by respondent No. 3, i.e., the Collector, resulting in an erroneous rejection of his candidature for appointment to the post of Lambardar, which warranted reconsideration. Similarly in the case of respondent No. 5 in LPA No. 805 of 2024 his candidature was rejected on the ground that 2 members from his family i.e. his brothers were already appointed as Lambardars. However, the brothers of respondent No.5 were not appointed as Lambardars of the same village and were residing separately. Therefore, said fact was also found to be contrary to the findings recorded by the respondent No. 3 while rejecting the claim of the respondent No. 5.

9. We have also examined the orders dated 21.12.2011, 01.11.2012 and 30.01.2018 and find ourselves in agreement with the observations made by the learned Single Judge that the aforesaid material facts were not properly appreciated by the authorities below, leading to an unjustified rejection of the candidature of respondent No.4 and 5.

10. Given the above discussion, we believe that there is no perversity or error in the impugned judgement dated 30.01.2024 passed by learned Single Judge and the same does not require any interference.

11. Consequently, the Intra-Court appeal stand(s) dismissed.

(DEEPAK MANCHANDA)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

02.04.2026

vanita

Whether speaking/reasoned :	Yes
Whether Reportable :	No