



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CM-1639-LPA-2026 in/&
LPA-655-2026 (O&M)
Date of Decision :10.03.2026

Jatinder Pal Singh

...Appellant

Versus

The Financial Commissioner (Appeals), Punjab
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Kapil Kakkar, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-1639-LPA-2026

1. Present application has been filed for condonation of delay of 66 days in filing the present appeal.

2. Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 66 days in filing the present appeal is condoned.

LPA-655-2026

3. In the present appeal, the challenge is to the impugned order dated 21.11.2025 passed by the learned Single Judge of this Court in CWP-11743-2017 by which, the order dated 17.04.2017 passed by the Financial Commissioner (Appeals), Punjab has been upheld.

4. It may be noticed that learned Collector, Patiala after evaluating the claim of the appellant herein as well as respondent No.4 herein, had



appointed respondent No.4 herein as Lambardar of the village Bujrak vide order dated 09.12.2014 (Annexure P/1) but in an appeal preferred by the appellant before the Divisional Commissioner, Patiala, the said appointment was set aside vide order dated 11.03.2015 (Annexure P/2) so as to replace the appellant with respondent No.4 as the Lambardar of the said village. Aggrieved against the said action, respondent No.4 preferred a revision before the Financial Commissioner (Appeals) and vide order dated 17.04.2017, the order passed by the Commissioner was set aside by the Financial Commissioner (Appeals) and the appointment of respondent No.4 as Lambardar as ordered by the Collector, was restored. The said order of the Financial Commissioner (Appeals) was challenged by the appellant before the learned Single Judge of this Court in CWP-11743-2017 whereby the learned Single Judge after evaluating all the facts, came to the conclusion that the order dated 17.04.2017 passed by the Financial Commissioner (Appeals), Punjab is valid and the said writ petition was dismissed which had led to filing of the present appeal by the appellant before this Court.

5. Learned counsel for the appellant argues that the appellant is younger in age than the respondent No.4 hence, he should have been preferred over and above the respondent No.4. He further argues that the respondent No.4 unable to discharge his duties as Lambardar in the village keeping in view the location of his residence which is about 5-7 Kms away from the village in question.

6. It is further argued that the appellant possesses more land and is more qualified than respondent No.4 and on the same account, the appellant is better suited to be appointed as a Lambardar.



7. It may be noticed that merely being younger in age cannot be treated as an advantage and similarly, elder in age cannot be treated as disqualification. Once, after evaluating all the facts, the respondent No.4 was appointed as Lambardar by the Collector and it is a conceded fact that respondent No.4 does not envisage any disqualification, so merely because the Divisional Commissioner found that the appellant is more suitable to be appointed as Lambardar than respondent No.4, there was no ground to change the appointment of respondent No.4 as Lambardar with the appellant. Therefore, the said decision of the Divisional Commissioner has rightly been set aside by the Financial Commissioner (Appeals) vide order dated 17.04.2017 and the same has rightly been upheld by the learned Single Judge of this Court.

8. Further, the evaluation of the appellant and respondent No.4 done in the present case is according to the law and is valid, no interference can be done merely on the ground that the appellate authority prefers another candidate than the one selected. If the two views are possible then the one taken cannot be set aside on the asking of the appellate authority.

9. Further, the respondent No.4 is already working as Lambardar for the last 08 years and nothing has come on record that he has failed to perform the duties as required to be performed by a Lambardar of a village. Hence, even the argument raised by learned counsel for the appellant that the respondent No.4 is residing about 5-7 kilometers away from the village cannot be taken as ground to set aside the appointment of respondent No.4, especially, when nothing has come on record that the same is causing any hindrance in performing his duty as Lambardar in the village in question.



appellant the appellant possesses more land and is more qualified than the respondent No.4, it may be noticed that the same is to be seen only with regard to the work to be performed by the Lambardar. Once, the authority concerned genuinely considered that a particular candidate is more capable even if he has less academic qualification, the authority concerned has full right to appoint such person as Lambardar unless and until such person is proved to have any disqualification. In case this argument of the learned counsel for the appellant is accepted, then the choice will be academic rather than subjective, which cannot be allowed.

11. Keeping in view the facts and circumstances of the present case as recorded hereinbefore, no ground for interference by this Court is made out and the present appeal is accordingly dismissed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 10, 2026

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Whether speaking/reasoned : Yes

Whether reportable : No