



2.1 The Naib Tehsildar, Sahnewal as well as Sub Divisional Magistrate, Ludhiana (East) recommended the candidature of petitioner (Sarabjit Singh) for appointment to the aforesaid vacancy and placed the matter before learned Collector.

2.2 Learned Collector, Ludhiana (in short 'Collector'), vide order dated 07.10.2015 (Annexure P-1), appointed petitioner (Sarabjit Singh) as Lambardar of village Pawa.

2.3 Feeling aggrieved against learned Collector's order dated 07.10.2015 (Annexure P-1), respondent No. 4 (Pushwinder Singh) preferred an appeal before learned Commissioner, Patiala Division, Patiala (in short 'Divisional Commissioner'), who vide its order dated 07.01.2016 (Annexure P-2), dismissed the same.

2.4 Still aggrieved, respondent No. 4 (Pushwinder Singh) preferred a revision petition (ROR-423-2016) before learned Financial Commissioner, which came to be allowed, vide order dated 14.02.2019 (Annexure P-3), whereby the orders passed by learned Collector as well as learned Divisional Commissioner were set aside and matter has been remanded to learned Collector for fresh decision.

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

4. Heard.

5. In this case, petitioner was appointed as a Lambardar of village Pawa by learned Collector and said appointment has been further affirmed by learned Divisional Commissioner; however, learned Financial Commissioner, vide order dated 14.02.2019 (Annexure P-3), set

aside the orders passed by learned Collector as well as learned Divisional Commissioner and remanded the matter back to learned Collector for fresh decision, by observing as under :-

*“5. I have heard counsel for both the parties and perused the orders and records of the lower courts. It is found that both the candidates are almost of equal age and the respondent is little more qualified than the petitioner but other aspect i.e., land holding of the candidates has not been discussed by the Courts below. The petitioner has produced a copy of Jamabandi for the year 2006-07 in which the name of the father of the respondent has been shown as name of the owner and the same land has been transferred in the name of the respondent i.e., Sarabjit Singh on 18.12.2015 i.e., after passing of the order of the District Collector, which means the respondent had no land in his name at the time of passing of the order by the District Collector.*

*6. Further, the petitioner has also alleged that the respondent is not the resident of village Pawa to which the Lambardari in dispute pertains and therefore this fact also needs to be verified by the District Collector. The availability of the candidate is of utmost importance. Though, it is settled law that choice of the District Collector should not be disturbed in an ordinary way but in the instant case, the courts below have failed to examine the above mentioned aspects.*

*7. Accordingly, in view of the above discussion, the revision petition is accepted. The orders of both the lower courts are set aside. The case is remanded to the District Collector, Ludhiana for fresh decision, keeping in view the factum of land holdings of both the parties and also after verifying the exact position of residential status of both the parties. The parties are directed to appear before the District Collector on 06.03.2019.”*

6. A perusal of above extracted findings returned by learned Financial Commissioner would show that the matter has been remanded with a clear direction to consider the factum of landholding of both the parties and also to verify the exact position as regards residential status of both the parties.

7. Before this Court, learned counsel for petitioner was specifically asked to point out any document to indicate that petitioner is a resident of village Pawa; however, learned counsel for petitioner has fairly conceded that there is no document on record, which may indicate that petitioner is resident of village Pawa.

7.1 Even during the course of hearing of this civil writ petition, learned counsel for petitioner has not shown any document, which may show that petitioner is a resident of village Pawa.

8. In the aforementioned circumstances, I am of the considered view that order dated 14.02.2019 (Annexure P-3), passed by learned Financial Commissioner does not call for any interference by this Court as the matter has only been remanded to learned Collector to verify the exact position of residential status of both the parties.

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

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

(HARSH BUNGER)  
JUDGE

19.03.2026  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No