

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7911-2023 (O/M)
Date of decision : 18.02.2026

Darshan Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

Mr. Sarju Puri, Senior Advocate with
Mr. Digvijay Manchanda, 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 16.02.2023 (Annexure P-5), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner') to the extent whereby the matter has been remanded to learned District Collector, Shaheed Bhagat Singh Nagar (in short 'Collector') for fresh consideration.

2. Briefly, on demise of Smt. Gurbachan Kaur, previous Lambardar of village Gobindpur (Patti Nihala), Tehsil Banga, District Shaheed Bhagat Singh Nagar, proceedings were initiated for filling up the

aforesaid vacancy, wherein petitioner-Darshan Singh (in short 'petitioner') and respondent No. 4-Joga Singh (in short 'respondent No. 4') were also the candidates.

2.1 Tehsildar, Banga as well as Sub Divisional Magistrate, Banga recommended the candidature of petitioner for appointment to the aforesaid vacancy and placed the matter before learned Collector.

2.2 Learned Collector, vide order dated 10.07.2014 (Annexure P-1), appointed petitioner as Lambardar of village Gobindpur (Patti Nihala).

2.3 Feeling aggrieved against learned Collector's order dated 10.07.2014 (Annexure P-1), respondent No. 4 preferred an appeal before learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner'), which came to be allowed, vide order dated 03.06.2019 (Annexure P-2), whereby learned Collector's order was set aside and respondent No. 4 was appointed as Lambardar of village Gobindpur (Patti Nihala).

2.4 Feeling dis-satisfied, petitioner preferred a revision petition (ROR-340-2019) before learned Financial Commissioner, which came to be partly allowed, vide order dated 16.02.2023 (Annexure P-5), whereby orders passed by learned Collector as well as learned Divisional Commissioner were set aside and the matter was remanded to learned Collector for deciding the matter afresh.

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. Here, it would be apposite to refer to comparative merits of petitioner as well as respondent No. 4 (as noticed by learned Collector in its order dated 10.07.2014), which are as under :-

	Petitioner (Darshan Singh)	Respondent No. 4 (Joga Singh)
Age	60	45
Educational qualification	8 th class pass	Matric pass
Landholding	8 Acres	33 Kanals
Recommended by	Tehsildar, Banga and Sub Divisional Magistrate, Banga	---

5.1 A bare perusal of above extracted comparison would clearly show that respondent No. 4 is younger in age than petitioner and is also more educated than him.

5.2 Evidently, learned Collector, vide order dated 10.07.2014 (Annexure P-1), appointed petitioner as Lambardar primarily on the ground that his name was recommended by lower revenue officers, whereas the order is silent as to what has weighed in the mind of learned Collector so as to not consider the candidature of respondent No. 4, who was younger in age and more educated than petitioner.

5.3 However, on an appeal being filed by respondent No. 4, learned Divisional Commissioner set aside learned Collector's order and appointed respondent No. 4 as Lambardar by observing as under :-

“After hearing the arguments from Ld. Counsels for both the parties and on the perusal of the record available on the file minutely, it is found that the appellant is aged 45 years, matric pass and can read and write Punjabi, Hindi

and English. He actively participates in the social welfare works of the society and belongs to a family who enjoys good reputation in the village. Apart from this respondent No. 4 and 5 candidate Smt. Daljit Kaur and Smt. Tarsem Kaur are also agreeing for appointing appellant as a lambadar. The respondent Darshan Singh is aged 60 years, he is 8th class pass. Therefore, I do not agree with the order dated 10.07.2014 passed by District Collector, SBS Nagar and hereby set aside this order and the appeal filed by Sh. Joga Singh appellant is hereby accepted and thereby Sh. Joga Singh is hereby appointed as lambardar (General) of Village Gobindpur (Patti Nihala) in place of Sh. Darshan Singh.

The order is announced. The file be consigned to record room for compliance.”

5.4 Apparently, learned Divisional Commissioner's order was challenged by petitioner before learned Financial Commissioner, who vide order dated 16.02.2023 (Annexure P-5), partly allowed the revision petition, preferred by petitioner by setting aside order passed by learned Collector as well as learned Divisional Commissioner and remanded the matter to learned Collector for fresh consideration by observing as under :-

“5. I have heard counsels for both the parties and perused the record on file. That after the death of previous lambardar of village Gobindpur, Tehsil Banga, District SBS Nagar process was initiated by the ld. District Collector, SBS Nagar to fill up this vacancy. The District Collector fails to consider merits of both the candidates in proper manner. Similarly, the ld. Commissioner, Rupnagar Division, Rupnagar has exceeded his jurisdiction by appointing the respondent no. 1 Joga Singh as new lambardar by setting aside the order of ld. District Collector only on the ground

that the candidate appointed by District Collector is less meritorious than the other candidates. In the appointment of lambardar, it is the duty case on the District Collector, who is head of the revenue district to weigh the comparative merits of the candidates, who applied for the position of lambardar and to appoint more meritorious and suitable candidate for the post of lambardar. But the ld. Collector, SBS Nagar fails to do so.

6. *On perusal of this case, I found that the courts below are failed to consider the merits of all the candidates. It needs fresh consideration. Consequently, I set aside the order of the learned Commissioner, Rupnagar Division as well as the order of District Collector, SBS Nagar. The District Collector shall decide the matter afresh after re-examining the merits of all the contesting candidates and decide the matter in accordance with law within a period of four months, from the date of receipt of certified copy of this order."*

5.5 A perusal of above extracted observations made by learned Financial Commissioner would show that learned Collector's order has been set aside by learned Divisional Commissioner by observing that learned Collector had failed to consider merits of both candidates in a proper manner and learned Divisional Commissioner's order shows that he had appointed respondent No. 4 merely by observing that respondent No. 4 was more meritorious than petitioner.

5.6 In my considered view, various factors, which are required to be considered while making appointment of a Lambardar, are envisaged in Rules 15 and 17 of Punjab Land Revenue Rules, which read as under :-

"15. Matters to be considered in first appointments. - In all first appointments of headman, regard shall be had among other matters to -

- (a) *his experience as substitute/sarbarah lambardar;*
- (b) *extent of property in the estate possessed by the candidate.*
- (c) *services rendered to the State by himself or by his family;*
- (d) *his personal influence, character, ability and freedom from indebtedness;*
- (e) *the strength and importance of the community from which selection of a headman is to be made;*
- (f) *services rendered by himself or by his family in the national movements to secure freedom of India;*

[In case of an ex-headman of an estate or Sub-division thereof in the territory now comprising the State of [Haryana] who had resigned or was dismissed on account of his participation in a national movement before partition and another headman was appointed in his place, the present incumbent of the post shall be removed irrespective of the provisions of rule 16 and the ex-headman would be appointed in his place if he has not rendered himself unfit for appointment for any of the reasons given in rule 16 except imprisonment for a political offence before 15th August, 1947. In case the ex-headman is no longer alive, a person of his family who would under the rules have been entitled to be headmen if the resignation or dismissal had not intervened, would be appointed as headman. But when no such person exist there would be no need to remove the existing Lambardar.]

- (g) *services rendered by himself to the community and development programmes;*
- (h) *he shall be not less than 21 years of age at the time of inviting the application for the appointment of Lambardar;*
- (i) *he should be literate, preferably middle pass.”*

“17. Matters to be considered in appointment of successors.-*[(i) In an estate, or sub-division thereof, owned chiefly, or altogether by Government a successor to the*

office of headman shall be selected with due regard to all the considerations, [-----] stated in Rule 15.

(ii) In other estates for the appointment of successor to headman, regard shall be had to the matters contained in rule 15 ; and...”

5.7 Evidently, learned Collector has failed to consider the merits of candidates while appointing petitioner as Lambardar, vide order dated 10.07.2014 (Annexure P-1). Infact, petitioner was appointed by learned Collector primarily on the ground that his name was recommended by lower revenue officers.

5.8 It is well settled that recommendations of lower revenue officers are not binding on learned Collector and he is to apply his own judicious mind so as to appoint most suitable candidate as Lambardar. Although, learned Collector's order was set aside by learned Divisional Commissioner and respondent No. 4 was appointed as Lambardar, however, it is observed from the order passed by learned Divisional Commissioner that he had also failed to consider the relative merits/demerits of candidates before him, in terms of Rules 15 and 17 of Punjab Land Revenue Rules, as indicated above.

6. In this view of the matter, I find no compelling reason to interfere in the order dated 16.02.2023 (Annexure P-5), passed by learned Financial Commissioner, who had set aside orders of learned Collector as well as learned Divisional Commissioner and remanded the matter to learned Collector for deciding the matter afresh.

7. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed. However, considering the fact that the proceedings regarding appointment of Lambardar of village Gobindpur

(Patti Nihala), Tehsil Banga, District Shaheed Bhagat Singh Nagar are pending consideration since last more than 10 years, I deem it appropriate to direct learned Collector to conclude the proceedings regarding appointment of Lambardar of village Gobindpur (Patti Nihala) within a period of four months from the date of appearance of parties before him.

7.1 The parties are directed to appear before learned District Collector, Shaheed Bhagat Singh Nagar on 11.03.2026 or any other date convenient to him.

8. 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