

LPA-1403-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 (3)

LPA-1403-2024 (O&M)
Date of Decision :15.01.2026

Gurpartap Singh

...Appellant

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Vikas Singh, Senior Advocate with
Ms. Anamika Sheoran, Advocate for the appellant.

Mr. Sandeep Chabbra, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Learned Senior counsel appearing for the appellant argues that the appellant was appointed as Lambardar of the village Lalpur by the competent authorities vide orders dated 14.05.2013 and 01.05.2012 which orders were impugned by the unsuccessful candidate and the order 14.05.2013 appointing the appellant as Lambardar was set aside by the Financial Commissioner and vide order dated 02.12.2014 and the case was remanded back for fresh consideration.

2. Learned Senior counsel for the appellant submits that the said order dated 14.05.2013 passed by the Financial Commissioner was impugned in the writ petition being CWP-2826-2015 and during the pendency of the said writ petition, the candidate who had challenged the appointment of the appellant to the post of Lambardar unfortunately died. Learned Senior counsel for the appellant further submits that without examining the validity of the

remand order, learned Single Judge of this Court has proceeded that as one of the candidate who was seeking consideration for appointment has died, the process is to be reinitiated and hence, the said view taken by the learned Single Judge of this Court vide order dated 22.03.2024 is being challenged in the present appeal.

3. Learned Senior counsel for the appellant argues that unless and until, the remand order passed by learned Financial Commissioner is upheld by the learned Single Judge of this Court that the same is valid, the *de novo* process for appointment to the post of Lambardar could not have been initiated especially when, the appellant had already been recommended and selected by the competent authority and it is not the case where a candidate died before the selection was finalized. Learned Senior counsel for the appellant submits that learned Single Judge has not decided the issue raised in the writ petition qua the validity of the order dated 02.12.2014 passed by the Financial Commissioner remanding the case back for fresh adjudication.

4. As the candidate who has challenged the appointment of the appellant has already died, nobody else is before this Court except for the State of Haryana.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the process of selection was finalised and thereafter the candidate who had filed for the proceedings against the selection of other candidate died, the selection of the selected candidate will not automatically come to an end. It is only where the selection to the post of Lambardar is to be finalized and before finalization of the selection, one of the candidate dies, the process has to be initiated afresh which is not the present case as it is a

conceded position that the appellant had already been appointed to the post of Lambardar whereby his selection was challenged by another candidate and the case was remanded back to appropriate authorities by the Financial Commissioner for fresh adjudication after which date, the candidate challenging the selection died hence, the learned Single Judge of this Court was required to adjudicate first upon the issue that whether the order passed by the Financial Commissioner remanding the case back for fresh adjudication is valid or not, which adjudication has not been done in the present case.

7. Keeping in view the totality of the facts and circumstances of the present case, impugned order dated 22.03.2024 passed by the learned Single Judge of this Court is set aside and the case is remanded back to the learned Single Judge of this Court for fresh adjudication qua the validity of the order passed by the Financial Commissioner by which, the case was remanded back for fresh adjudication qua the appointment to the post of Lambardar of the village Lalpur.

8. As the appellant is continuing working as Lambardar as of now, till any order is passed by the learned Single Judge of this Court, the appellant will be allowed to continue in case, he is continuing as such without any interruption as of now.

9. Ordered accordingly.

10. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 15, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No