

134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12654-2026 (O/M)

Date of decision : 27.04.2026

Banwari Lal

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vinay Bajaj, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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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 10.03.2025 (Annexure P-3), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner') in revision petition (ROR-280-2023), filed by petitioner.

1.1 A further prayer has been made for setting aside order dated 10.03.2025 (Annexure P-4), passed by learned Financial Commissioner in revision petition (ROR-281-2023), filed by respondent No. 6 (Raj Pal) to the extent whereby the matter has been remanded to learned Collector, Fazilka (in short 'Collector') to decide the matter afresh in accordance with law after affording opportunity of hearing to the parties in the said revision petition (ROR-281-2023), namely, Raj Pal and

Amit Kumar.

2. Briefly, on demise of Shri Rameshwar Dass, previous Lambardar of village Sayyad Wala, Tehsil Abohar, District Fazilka, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Banwari Lal); respondent No. 4 (Amit Kumar) and respondent No. 6 (Raj Pal) were also the candidates.

2.1 It appears that learned Collector, vide order dated 14.10.2020 (Annexure P-1), appointed respondent No. 4 (Amit Kumar) as a Lambardar of village Sayyad Wala.

2.2 The aforesaid learned Collector's order dated 14.10.2020 (Annexure P-1) came to be challenged by respondent No. 5 (Rameshwar Lal) and respondent No. 6 (Raj Pal) by filing their independent separate appeals before learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner').

2.3 It is worth noticeable that petitioner (Banwari Lal) never challenged learned Collector's order by filing an appeal before learned Divisional Commissioner.

2.4 Both the aforesaid appeals filed by respondents No. 5 and 6; came to be dismissed by learned Divisional Commissioner, vide a common order dated 11.11.2022 (Annexure P-2).

2.5 It transpires that respondent No. 6 (Raj Pal) challenged learned Collector's order dated 14.10.2020 (Annexure P-1) as well as learned Divisional Commissioner's order dated 11.11.2022 (Annexure P-2) by filing a revision petition (ROR-281-2023) before learned Financial Commissioner.

2.6 Apparently, petitioner (Banwari Lal) directly filed a revision petition before learned Financial Commissioner, which came to be

dismissed the revision petition (ROR-280-2023), filed by petitioner, vide order dated 10.03.2025 (Annexure P-3), by observing as under :-

“6. I have heard and considered the arguments advanced by both Counsel for the parties and gone through the record and perused the order of the courts below. After going through the facts of the case, I am of the considered view that the revision petition is not maintainable, as the petitioner failed to avail the statutory remedy of appeal against the order dated 14.10.2020 passed by the District Collector, Fazilka, before approaching the Commissioner, Ferozepur Division. Instead, the petitioner has directly filed this revision petition, which is procedurally improper. In the absence of any justifiable ground for by passing the appellate remedy and considering the fact that the petitioner has failed to point out any jurisdictional error or perversity in impugned orders, no interference is called for.

7. Accordingly, the present revision petition is dismissed.”

2.7 It appears that on the other hand, the revision petition (ROR-281-2023), filed by respondent No. 6 (Raj Pal) came to be disposed of by learned Financial Commissioner by remanding the matter to learned Collector for deciding the same afresh in accordance with law after affording opportunity of hearing to both the parties i.e. respondent No. 6 (Raj Pal) and respondent No. 4 (Amit Kumar).

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

4. I have heard learned counsel for petitioner and have perused the paperbook with his able assistance.

5. During the course of hearing of this writ petition, it is not

(Amit Kumar) was appointed as a Lambardar by learned Collector and that petitioner (Banwari Lal) never raised any challenge to learned Collector's order by filing any appeal before learned Divisional Commissioner. It is conceded by learned counsel for petitioner that the petitioner had only instituted a revision petition (ROR-280-2023), which has been dismissed by learned Financial Commissioner by clearly observing that since he (petitioner) had not challenged learned Collector's order, therefore, revision petition was not maintainable.

6. Before this Court, learned counsel for petitioner has been unable to dispute the fact that learned Collector's order was amenable to appeal, which was never filed by petitioner.

7. In the aforementioned circumstances, I see no illegality or perversity in order dated 10.03.2025 (Annexure P-3), passed by learned Financial Commissioner, whereby he has dismissed the revision petition of the petitioner being not maintainable as he had failed to avail statutory remedy of appeal against learned Collector's order, therefore, it can be safely assumed that petitioner abandoned his claim to the post of Lambardar after the passing of learned Collector's order dated 14.10.2020 (Annexure P-1).

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

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

(HARSH BUNGER)
JUDGE

27.04.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No