

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 13.03.2026

(222-1)

CWP-14453-2017 (O&M)

2026.PHHC.049176



Sewa Singh

..... Petitioner

Versus

Financial Commissioner, Revenue (Appeals-I), Punjab and others

..... Respondents

(222-2)

CWP-14454-2017 (O&M)

2026.PHHC.049180



Sewa Singh

..... Petitioner

Versus

Financial Commissioner, Revenue (Appeals-I), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. K.K. Dadwal, Advocate
for the petitioner(s).

Mr. Harpreet Singh, AAG, Punjab.

Mr. Naveen Batra, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

This order shall dispose of two writ petitions, bearing CWP-14453-2017 and CWP-14454-2017 as they involve common issues of law and fact. For the sake of convenience, the facts are being derived from CWP-14453-2017.

1.1 Petition (CWP-14453-2017) is, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 16.02.2017 (Annexure P-8) passed by the learned Financial Commissioner, Revenue (Appeals-I), Punjab.

2. Briefly, a new post of Lambardar (Scheduled Caste) of Village Masitpal Kot, Tehsil Dasuya, District Hoshiarpur, was created by the learned Divisional Commissioner, Jalandhar. Pursuant thereto, proceedings were initiated for filling up the said vacancy, wherein petitioner – Sewa Singh and respondent No.4 – Sarwan Singh were also the candidates.

2.1 The learned Naib Tehsildar, Tanda, learned Tehsildar Dasuya, as well as the learned Sub-Divisional Magistrate, Dasuya, recommended the candidature of petitioner – Sewa Singh for appointment to the post of Lambardar (Scheduled Caste) of Village Masitpal Kot, and the matter was placed before the learned Collector, Hoshiarpur.

2.2 The learned Collector, Hoshiarpur, vide order dated 27.09.2007 (Annexure P-1), appointed respondent No.4 – Sarwan Singh as the Lambardar (Scheduled Caste) of Village Masitpal Kot.

2.3 Feeling aggrieved against the aforesaid order dated 27.09.2007 (Annexure P-1), petitioner and Sh. Chanan Singh (respondent No.4 in CWP-14454-2017) preferred two separate appeals before the learned

Divisional Commissioner, Jalandhar, which came to be allowed vide common order dated 25.09.2008 (Annexure P-2) and the matter was remanded to the learned Collector, Hoshiarpur, for deciding the matter afresh.

2.4 Upon remand, the learned Collector, Hoshiarpur, appointed petitioner – Sewa Singh as the Lambardar (Scheduled Caste) of Village Masitpal Kot, vide order dated 14.09.2011 (Annexure P-3).

2.5 Being dissatisfied, Sh. Sarwan Singh (respondent No.4 in CWP-14453-2017) as well as Sh. Chanan Singh (respondent No.4 in CWP-14454-2017) preferred their separate appeal(s) before the learned Divisional Commissioner, Jalandhar, however, the same was dismissed vide a common order dated 19.02.2014 (Annexure P-6).

2.6 Thereafter, Sh. Sarwan Singh (respondent No.4 in CWP-14453-2017) as well as Sh. Chanan Singh (respondent No.4 in CWP-14454-2017), preferred two separate revision petitions, i.e. ROR No.286 of 2014 and ROR No.246 of 2014, respectively, before the learned Financial Commissioner, Revenue (Appeals-I), Punjab, who vide common order dated 16.02.2017 (Annexure P-8), remanded the matter to the learned Collector, Hoshiarpur, for deciding the matter afresh.

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

4. A perusal of the order sheets of present writ petitions would reveal that vide order dated 08.10.2018, a co-ordinate Bench of this Court permitted the petitioner to continue holding the charge of Lambardar.

5. I have heard learned counsel for the parties and perused the paper books with their able assistance.

6. Evidently, the petitioner – Sewa Singh was appointed as Lambardar (Scheduled Caste) of Village Masitpal Kot, vide order dated 14.09.2011 (Annexure P-3) passed by the learned Collector, Hoshiarpur. The said order was affirmed by the learned Divisional Commissioner, Jalandhar, vide order dated 19.02.2014 (Annexure P-6).

7. However, the learned Financial Commissioner, Revenue (Appeals-I), Punjab, vide order dated 16.02.2017 (Annexure P-8), remanded the matter to the learned Collector, Hoshiarpur, for fresh adjudication, without setting aside the aforesaid orders passed by the learned Collector and the learned Divisional Commissioner.

8. The aforesaid remand order (Annexure P-8) was passed primarily on the following observations:

“6. I have heard Counsel for the parties and perused the record. Sarwan Singh is educated and retired from Punjab State Education Board. Chanan Singh is an Ex-Serviceman and worked in Indian Army. Both have participated in various social activities of the village. On the other hand, Sewa Singh is less educated and not contributed much to the village and society. The rejection of candidates who are more educated and contributed to the society must be relooked into. Hence, I remand the case to Collector to decide the case on merits especially considering the educational qualification, service to society and also by examining the pending allegations of common lands encroachment.”

9. A perusal of the aforesaid findings shows that the remand has been ordered primarily on the ground that respondent No.4 – Sarwan Singh

is educated and retired from the Punjab State Education Board, whereas, Chanan Singh (respondent No.4 in CWP-14454-2017) is an ex-serviceman.

10. I have considered the aforesaid reasoning; however, I do not agree with the same. The approach adopted by the learned Financial Commissioner is contrary to the well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein.

11. Insofar as giving preference on account of being an ex-serviceman is concerned, it is observed that being an ex-serviceman may be a valid consideration to be kept in view but it alone would not be enough for a candidate to seek preference over other parameters required to be considered for appointment to the post of Lambardar.

11.1 In ***“Ranjit Singh v. Financial Commissioner, Animal Husbandry, 2011(53) RCR (Civil) 573”***, a Division Bench of this court observed as under:-

“...Further, merely because the appellant was an Ex-Serviceman, the benefit of appointment cannot be given to him. Such a qualification may be one of the considerations. As per law, Collector's choice, unless it is vitiated in law and on facts, is not to be interfered in the case of appointment of a Lambardar...”

11.2 In ***“Ranbir Singh v. State of Haryana, 2015(36) RCR (Civil) 716”***, a Division Bench of this Court held as under:-

“2. The admitted facts are that the Collector, Mahendergarh, on consideration of comparative merit of the appellant and respondent No.4, preferred the 4th respondent for appointment as Lambardar keeping in view the fact that he is younger

in age as compared to the appellant; both possess the same academic qualifications and the land holding of respondent No.4, i.e., 3 acres, is more than that of the appellant, i.e, 2 kanal. The Collector vide his order dated 27.04.2010 also took notice of the fact that the appellant is an ex-serviceman and is son of the deceased-Lambardar. The aforesaid choice made by the Collector was duly approved by the Commissioner, Gurgaon Division as well as by the Financial Commissioner, Haryana, who dismissed the appellant's appeal and revision petition, respectively.

3. The above-stated orders passed by different authorities have been further upheld by the learned Single Judge.

4. It is vehemently contended on behalf of the appellant that the authorities have failed to give credit to the appellant that he is an ex- serviceman, hence the impugned orders are exfacie perverse.

5. We are, however, not impressed by the contention. It is not a case where the authorities have ignored the factum of the appellant being an ex-serviceman. The order reveals that the Collector was conscious of the fact that the appellant is an exserviceman and is also son of the deceased-Lambardar. Nevertheless, the Collector gave preference to respondent No.4 keeping in view his age and better land-holding. Even if two views are possible, it is not expedient for this Court to substitute the opinion and interfere with the orders under challenge..."

12. With regard to educational qualifications, it is noteworthy that under the Punjab Land Revenue Rules, no minimum educational qualification is prescribed for appointment to the post of Lambardar. Moreover, the learned Collector, upon interacting with the candidates, found the petitioner to be the most suitable candidate for appointment to the said post, which reflects the conscious and considered decision of the learned

Collector in appointing the petitioner as Lambardar.

13. A perusal of the order dated 14.09.2011 (Annexure P-3) passed by the learned Collector, Hoshiarpur, reveals that a detailed comparative assessment of all the candidates was undertaken. The relevant extract thereof reads as under:-

“8. I have considered the comparative merit of the candidates and perused the entire record placed on the file. Candidate Sarwan Singh is 64 years of age. He is B.A. B.Ed. and retired as S.S. Master. There is sufficient evidence to say that Sarwan Singh took over possession of a common passage illegally and unauthorisedly. He had filed a civil suit to claim its ownership was also dismissed vide order dated 19-3-2010 of Civil Judge (Junior Division), Dasuya. Not only this, he visits the adjoining villages to give tuitions to the students of different classes and thus cannot be easily available to the villagers. The remaining candidates are Chanan Singh and Sewa Singh. I find that Sewa Singh is more suitable candidate for the post of Lambardar. He is (56 years) younger in age and 7th class pass. Chanan Singh is 63 years old and fifth class pass. Sewa Singh keeps buffalos and sells milk. He remains in the village and can be easily available to the villagers. Sewa Singh remained members of the Kandhala Sheikhan Co-operative Society for five years. He is the panch of the Gram Panchayat which reflects his good reputation in the village. He is a blood donor and the certificate to this effect has been issued by Sant Baba Rangi Ram Charitable Hospital Jaja. He is not defaulter of any bank, society or any financial institution. Sub Divisional Magistrate, Dasuya has recommended him.

9. Keeping in view the circumstances mentioned above, Sewa Singh S/o Dalip Singh is appointed as S.C. Lambardar of village Masitpal Kot, Tehsil Dasuya, District Hoshiarpur. File be consigned to the record room.”

14. From a bare perusal of the above extracted order, it is evident that Sarwan Singh was found unsuitable on account of his unavailability and allegations of illegal encroachment, whereas Chanan Singh was less qualified and older in age. The petitioner was found to be the most suitable candidate by the learned Collector, Hoshiarpur, by considering all the relevant factors.

15. In my considered view, the reasoning rendered by the learned Collector, Hoshiarpur, is justified, which was rightly affirmed by the learned Divisional Commissioner, Jalandhar.

16. In view of the aforesaid discussion, I am of the considered opinion that impugned order dated 16.02.2017 (Annexure P-8) passed by the learned Financial Commissioner, Revenue (Appeals-I), Punjab, is unsustainable and the same is, accordingly, set aside. Consequently, the order dated 14.09.2011 (Annexure P-3) passed by the learned Collector, Hoshiarpur, appointing the petitioner as Lambardar (Scheduled Caste) of Village Masitpal Kot, is maintained.

17. The present writ petitions are allowed in the aforesaid terms.

18. All pending application(s), if any, shall also stand closed.

19. Photocopy of this order be placed on the file of connected case.

13.03.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No