



CWP-14433-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-14433-2023 (O&M)
Date of decision: 01.05.2026

Swaran Dass

.....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gagneshwar Walia, Advocate, for the petitioner.

Mr. Navneet Singh, Addl. A.G. Punjab

Mr. Sanjeev Kumar Banga, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for setting aside the order dated 16.01.2023 (Annexure P-4) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Darshan Lal, previous Lambardar (SC) of village Madar, Tehsil Jalandhar-2, District Jalandhar, proceedings were initiated for filling up the vacancy, wherein the present petitioner (Swaran Dass) and respondent No.4 (Gurpal Singh) were also the candidates.

2.1. Learned Naib Tehsildar and as well as learned Tehsildar, Jalandhar, recommended the candidature of the present petitioner for



appointment to the aforesaid vacancy, whereas learned Sub-Divisional Magistrate recommended the candidature of respondent No.4 (Gurpal Singh) for appointment to the said vacancy and the matter was placed before the learned Collector, Jalandhar.

2.2. The learned Collector, Jalandhar, after considering the relative merits and demerits of the candidates found the present petitioner (Swaran Dass) as a more suitable candidate being younger in age and more educated than respondent No.4 and accordingly, appointed him as a Lambardar (SC) of village Madar vide order dated 16.10.2019 (Annexure P-1).

2.3. Feeling aggrieved against the aforesaid order dated 16.10.2019 (Annexure P-1), respondent No.4 (Gurpal Singh) preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, however, the same was dismissed vide order dated 14.12.2021 (Annexure P-2).

2.4. Still dissatisfied, respondent No.4 (Gurpal Singh) preferred a revision petition (ROR 251 of 2022) before the learned Financial Commissioner (Appeals), Punjab, which has been allowed vide the impugned order dated 16.01.2023 (Annexure P-4) whereby the order dated 16.10.2019 (Annexure P-1) passed by learned Collector and order dated 14.12.2021 (Annexure P-3) passed by learned Commissioner have been set aside and respondent No.4 (Gurpal Singh) has been appointed as Lambardar of village Madar.

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

4. I have heard learned counsel for the respective parties and perused the paper-book with their able assistance.



5. Apparently, the present petitioner was appointed as a Lambardar (SC) of the village Madar by the learned Collector vide order dated 16.10.2019. The learned Collector's choice was further affirmed by the learned Commissioner, however, the learned Financial Commissioner set aside the appointment of the petitioner primarily on the allegations raised by respondent No.4 that the petitioner is not readily available to the villagers to discharge the duty of Lambardar as he was doing the business of tent-house.

6. Before this Court, learned counsel for the petitioner has submitted that although the petitioner is having a tent-shop, but his presence at the shop for the entire day is not required as he has already employed about 05 persons and that he is only over seeing his business.

7. On the other hand, learned counsel for respondent No.4 has been unable to refute the aforesaid contentions raised on behalf of the petitioner. Even otherwise, it is well established that a candidate for the post of Lambardar is not expected to be an idle person. Even if a candidate is involved in a business or running a shop at some distance from the village and the nature of the business/job is such that does not require constant presence at the shop, the said factor cannot be taken as a demerit so far as such candidate is concerned. Evidently, the learned Financial Commissioner had failed to take notice of the said fact and has wrongly set aside the petitioner's appointment as Lambardar and that too without taking into consideration the well settled position 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. In this regard, reference can be made to the Division Bench judgment passed by this Court in LPA No. 2217 of 2024 titled as



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Murti Devi Vs. State of Haryana & Ors., decided on 09.07.2025; wherein it was observed as under:

*“8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in **Neeraj Kumar Vs. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325.**”*

8. I have also gone through the orders passed by the learned Commissioner, Jalandhar Division, Jalandhar as well as the learned Collector, Jalandhar and I see no illegality or perversity therein.

9. In view of the above, order dated 16.01.2023 (Annexure P-4) passed by the learned Financial Commissioner (Appeals), Punjab is unsustainable in the eyes of law and the same is accordingly, set aside; and the order dated 16.10.2019 (Annexure P-1) passed by the learned Collector, Jalandhar, appointing the petitioner as the Lambardar of village Madar, Tehsil Jalandhar-II, District Jalandhar, is hereby maintained.

10. The present writ petition is, accordingly allowed and disposed of in the aforesaid terms.

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

01.05.2026
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(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No