

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8898-2017 (O/M)

Date of decision : 10.03.2026

Manjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

Mr. Nitish Garg, Advocate
for respondent No. 4.

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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 19.11.2013 (Annexure P-2), passed by learned Collector, Shaheed Bhagat Singh Nagar (in short 'Collector') as well as order dated 03.11.2016 (Annexure P-7), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, on demise of Shri Kabal Singh, previous Lambardar of village Dharamkot, Tehsil and District Shaheed Bhagat Singh Nagar, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner-Manjit Singh (in short 'petitioner'); respondent No. 4-

Gharvinder Singh (in short 'respondent No. 4) and respondent No. 5- Sukhdev Singh (in short respondent No. 5) were also the candidates.

2.1 It transpires that learned Sub Divisional Magistrate, Nawanshahr recommended the candidature of petitioner for appointment to the aforesaid vacancy and placed the matter before learned Collector.

2.2 Learned Collector, after considering the merits and demerits of the candidates, found respondent No. 4-Gharvinder Singh as a suitable candidate and, accordingly, appointed him as Lambardar of village Dharamkot, vide order dated 19.11.2013 (Annexure P-2).

2.3 Feeling aggrieved against learned Collector's order dated 19.11.2013 (Annexure P-2), petitioner preferred an appeal before learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner'), which came to be allowed, vide order dated 06.05.2016 (Annexure P-6), whereby learned Collector's order was set aside and petitioner was appointed as Lambardar of village Dharamkot.

2.4 Feeling dis-satisfied, respondent No. 4-Gharvinder Singh preferred an appeal (ROA-21-2016) before learned Financial Commissioner, which came to be allowed, vide order dated 03.11.2016 (Annexure P-7), whereby order passed by learned Divisional Commissioner was set aside and learned Collector's order dated 19.11.2013 (Annexure P-2), appointing respondent No. 4-Gharvinder Singh as Lambardar of village Dharamkot, was maintained.

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. Apparently, respondent No. 4-Gharvinder Singh was appointed as a Lambardar of village Dharamkot by learned Collector; however, said appointment was set aside by learned Divisional Commissioner, vide order dated 06.05.2016 (Annexure P-6) by observing as under :-

“From the perusal of the documents came on record as well as hearing arguments of both the parties, it has been found that the merit of the appellant Manjit Singh is more than that of the respondent and he is the son of deceased Nambardar, therefore he is conversant with the work of Nambardari. Therefore I set aside the order dated 19.11.13 of the District Collector Shaheed Bhagat Singh Nagar and while agreeing with the recommendation of the Naib Tehsildar and Sub Divisional Magistrate Nawanshahr pass order for appointing Manjit Singh son of Kabal Singh as New Nambardar of village Dharamkot. The order has been pronounced. The file may be consigned to the record room after due compliance.”

5.1 A perusal of aforesaid order would show that petitioner was appointed as a Lambardar primarily on the ground that he is son of deceased Lambardar and that his name was recommended by learned Naib Tehsildar as well as Sub Divisional Magistrate, Nawanshahr; however, on a further appeal being filed by respondent No. 4-Gharvinder Singh, learned Financial Commissioner has set aside the order dated 06.05.2016 (Annexure P-6), passed by learned Divisional Commissioner and maintained learned Collector's order, appointing respondent No. 4-Gharvinder Singh as Lambardar by holding as under :-

“7. I have considered the arguments advanced by counsel for both the parties and gone through the documents/record placed on record. I tend to agree with the contentions of the counsel for the appellant that in the matter of appointment of

Lambardar, the choice of Collector should not be brushed aside lightly. The appellant and revisionary authorities can invoke their jurisdiction to upset the appointment of Lambardar made by Collector, only when the same is perverse or illegal. The appellant is more educated and hold more land than the respondent. Though the respondent has stressed that being son of deceased Lambardar he deserve preference, but he can claim it only when the other merits of the candidates are same. Rather Ld. Collector in his order has specifically held that Manjit Singh (respondent) could not answer the queries with regard to the work of Lambardar. The other point with regard of mortgaging the land and taking the loan raised by the counsel for the respondent, has rightly been refuted by the counsel for the appellant. I find that the Ld. Collector after considering the relative merits of the candidates and adjudging their suitability had rightly appointed the appellant as Lambardar, however, Ld. Commissioner through a totally non-speaking order has upset the same without pointing out any perversity in it. Accordingly, the present appeal is accepted; the order of Commissioner dated 06.05.2016 is hereby set aside the order of District Collector, SBS Nagar dated 19.11.2013 appointing the appellant as Lambardar is upheld.”

6. I have gone through the order passed by learned Financial Commissioner and I see no illegality or perversity therein. Learned Financial Commissioner has taken correct view that in the matter of appointment of a Lambardar, the choice of learned Collector should not be brushed aside lightly. Learned Financial Commissioner has further found that respondent No. 4-Gharvinder Singh was more educated and has more landholding than petitioner and, therefore, petitioner did not deserve any preference being son of deceased Lambardar.

7. In my considered view, the observations made by learned Financial Commissioner are in accordance with settled law, which does not call for any interference by this Court.

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

10.03.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No