



CWP-7731-2018 (O&M)

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

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CWP-7731-2018 (O&M)

Date of decision: 19.02.2026

Rajwinder Singh

...Petitioner

Vs.

Financial Commissioner, Revenue, Punjab and others

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. G.S Nagra, Advocate with
Mr. B.S. Mann, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. K.S. Bal, Advocate
for respondent No.4.

HARSH BUNGER J. (Oral)

1 Petition herein is, seeking a writ in the nature of Certiorari, for setting aside the order dated 07.02.2018 (Annexure P-14) passed by learned Financial Commissioner, Revenue, Punjab.

2. Briefly, upon demise of Sh. Gurmej Singh, previous Lambardar of Village Talwandi Nahar, Tehsil Ajnala, District Amritsar, proceedings were initiated for filling up the said vacancy, wherein petitioner (Rajwinder Singh) and respondent No.4 (Sukhwinder Singh) were also the candidates.

2.1. The learned Tehsildar, Ajnala as well as the learned Sub Divisional Magistrate, Ajnala, recommended the candidature of present petitioner for appointment to the aforesaid vacancy and placed the matter before the learned District Collector, Amritsar.

2.2. It appears that learned Collector, Amritsar, after considering the relative merits and demerits of the candidates found petitioner (Rajwinder

Singh) as the more suitable candidate; accordingly, appointed him as the

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Lambardar of Village Talwandi Nahar, Tehsil Ajnala, District Amritsar, vide order dated 16.09.2014 (Annexure P-2).

2.3. Feeling aggrieved against the aforesaid order dated 16.09.2014 (Annexure P-2), respondent No.4 (Sukhwinder Singh) preferred an appeal before the learned Commissioner, Jalandhar Divison, Jalandhar. However, the same was dismissed vide order dated 18.05.2016 (Annexure P-5) passed by learned Commissioner, Jalandhar.

2.4. Still aggrieved, the respondent No.4 (Sukhwinder Singh) preferred a revision petition (ROR No.550 of 2016) before the learned Financial Commissioner, Revenue, Punjab, whereby, the learned Financial Commissioner, Revenue, Punjab without setting aside the orders passed by the learned District Collector as well as the learned Commissioner, remanded back the matter to learned District Collector to revisit the matter, primarily considering the plea of respondent No.4 (Sukhwinder Singh) that the allegation levelled against him regarding non-deposit of chowkidara was not correct.

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

4. Heard.

5. Here, it would be apposite to refer to the relative merits of the petitioner and respondent No.4 (as noticed by the Learned Collector), which is as under:-\

	Petitioner (Rajwinder Singh)	Respondent No. 4 (Sukhwinder Singh)
Age	35 years	42 years
Educational qualification	12 th pass	10 th pass
Landholding	24 kanals	22 kanals 15 Marlas



Recommended by	1. Sub Divisional Magistrate, Ajnala. 2. Tehsildar, Ajnala	---
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5.1. A perusal of the above-extracted comparison would clearly show that the petitioner has an edge over respondent No.4 inasmuch as, the petitioner is younger in age and more educated than the respondent No.4 and even his name was recommended by both the lower Revenue Officers i.e. learned Tehsildar Ajnala as well learned Sub Divisional Magistrate, Ajnala. Furthermore, learned Deputy Commissioner, Amritsar upon considering the better merits of the petitioner, appointed him as Lambardar of village Talwandi Nahar, Tehsil Ajnala, District Amritsar which has been further affirmed by the learned Commissioner; however, the learned Financial Commissioner has merely remanded back the matter to the learned Collector to revisit the issue without setting aside the order passed by learned Collector as well as learned Commissioner, appointing the petitioner as the Lambardar of village Talwandi Nahar, Tehsil Ajnala, District Amritsar.

6. In my considered view, the approach of the learned Financial Commissioner in remanding the matter to the learned Collector without setting aside the appointment of petitioner as Lambardar made by learned Collector as well as learned Commissioner, is unsustainable in the eyes of law. Reference in this regard can be made to the judgment rendered by Hon'ble Supreme Court in ***Khazan Singh versus Shamsher Singh, 1998(3) RCR (Civil) 634***; wherein Hon'ble Supreme Court observed thus:-

“3. The appellant - Khazan Singh was appointed as a Lambardar by the Collector of Jind by his order dated 17.12.90. That order was challenged by one Tek Chand before the Commissioner, Hissar Division. The Commissioner without



setting aside the order of the Collector remanded the matter to him for fresh consideration of merits and demerits of Khazan Singh and Tek Chand. This order of remand was challenged by Khazah Singh by filing an appeal before the Financial Commissioner, Haryana. He disposed of the appeal by declaring that the order passed by the Collector has become final and by observing that the proceedings have become infructuous as a result of death of Tek Chand.

4. Aggrieved by that order, Shamsher Singh, son of Tek Chand filed a Writ Petition in the High Court of Punjab and Haryana. It disposed of the petition by remanding the case to the Collector and directing the Collector to permit Khazan Singh to continue as Lambardar till a fresh decision is taken by him as to who should be appointed as the Lambardar. The High Court also directed the Collector to invite fresh applications from other interested persons before deciding who should be appointed as the Lambardar.

5. Aggrieved by the order passed by the High Court, Khazan Singh has filed this appeal. It was submitted by the learned counsel for the appellant that the Collector's order appointing the appellant having become final as it was not set aside by any of the appellate authorities, no direction could have been given to the Collector to invite fresh applications and decide who should be appointed as the Lambardar. In our opinion, this contention deserves to be accepted. Even the learned counsel for the respondent conceded that so long as the appointment of Khazan Singh as Lambardar is not cancelled, it is not permissible to invite fresh applications. As the order passed by the High Court is not sustainable, it has to be set aside. We, therefore, allow this appeal, set aside the order passed by the High Court and remit the matter to the Financial Commissioner, Haryana, to decide the appeal afresh as the question whether the cause of action survived or not was required to be decided before closing the proceedings. It will be open to Shamsher Singh to apply to the Commissioner to join as



a respondent in the said appeal and contend that it is open to him to challenge the appointment of Khazan Singh as Lambardar. It will be open to Khazan Singh to raise all the contentions which are permissible in law.

This appeal is allowed accordingly. No order as to costs....”

7. Even otherwise, the learned Financial Commissioner while passing the order dated 07.02.2018 (Annexure P-14) has failed to take into consideration the well-settled law, that in the matter of appointment of Lambardar, the choice of the Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity. Learned counsel appearing on behalf of respondent No.4 has failed to point out any illegality or perversity in the order dated 16.09.2014 (Annexure P-2) passed by the learned District Collector, Amritsar, which has been further affirmed by learned Commissioner vide order dated 18.05.2016 (Annexure P-5)

8. Keeping in view the above, the order dated 07.02.2018 (Annexure P-14) passed by the learned Financial Commissioner, Haryana is un-sustainable in the eyes of law and the same is accordingly, set aside; and the order dated 16.09.2014 (Annexure P-2) passed by the learned District Collector, Amritsar, appointing the petitioner (Rajwinder Singh) as the Lambardar of Village Talwandi Nahar, Tehsil Ajnala, District Amritsar, is hereby maintained.

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

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

(HARSH BUNGER)
JUDGE

19.02.2026
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