



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

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LPA-1938-2016 (O&M)

Decided on : 26.02.2026

SATNAM SINGH

. . Appellant

Versus

STATE OF PUNJAB AND ORS.

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Ms. Shubreet Kaur, Advocate
for the appellant.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. Rajesh Sehgal, Advocate for
respondent No. 3 (through virtual mode).

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 29.08.2016 passed by learned Single Judge, in Civil Writ Petition No.7150 of 2015, by which, the order dated 28.11.2014 passed by the Financial Commissioner, Punjab has been set aside and the direction has been issued to the Collector Moga, to start *De novo* process for filling up the post of Lambardar by inviting fresh application in accordance with law for the reason that as per learned Single Judge, neither the petitioner nor the respondent No. 3 has been found suitable for the said post.

2. Certain facts needs to be noticed for the correct appreciation of the issue in hand.

3. The brief facts of the case are that vacancy for the post of



Lambardar of Village Bilaspur Tehsil Nihal Singh Wala district, Moga became available to be filled on account of death of previous lamabardar-kanwaljit Singh. After which, the process for filling-up the said vacancy was started and ultimately, the District Collector, Moga, vide order dated 07.01.2009, appointed the appellant-Satnam Singh as the Lambardar.

4. Thereafter, against the said appointment of the appellant, one Gurdeep Kaur wife of late Kanwaljit Singh challenged the said order dated 07.01.2009 by filing an appeal before the Financial Commissioner, Ferozepur Division, Ferozepur, which appeal was dismissed vide order dated 16.03.2010 (Annexure P-2). Thereafter an appeal was preferred by respondent No. 3- Subedar Amolak Singh against the order of the Collector qua the appointment of the appellant as Lambardar, which was also dismissed on 16.03.2010.

5. The orders passed by the Commissioner, Ferozepur, Division Ferozepur, were challenged by Gurdeep Kaur as well as respondent No. 3- Subedar Amolak Singh by filing revision petitions before the Financial Commissioner and the Financial Commissioner accepted the revision petition filed by respondent No. 3-Subedar Amolak Singh so as to set-aside the appointment of the appellant and thereby giving the direction that respondent No. 3- Subedar Amolak Singh be appointed as the Lambardar.

6. The said order passed by the Financial Commissioner dated 28.11.2014 with regard to setting aside the appointment of appellant as Lambardar as well as direction to appoint respondent No. 3- Subedar Amolak Singh as Lambardar of the village concerned, was assailed by the appellant before the learned Single Judge in CWP-7150-2015.

7. The learned Single Judge, though set-aside the order dated



28.11.2014 passed by the Financial Commissioner by which order, a direction to appoint respondent No. 3- Subedar Amolak Singh as a Lambardar of village concerned was given, but held that both the candidates i.e. the appellant as well as respondent No. 3- Subedar Amolak Singh are senior citizens and therefore, are not eligible for the appointment to the said post. Further, the learned Single Judge gave a direction to the Collector, Moga to start *de-novo* process for filling up the post of lambardar inviting fresh applications, strictly in accordance with law, which direction given by the learned Single Judge has been impugned in the present appeal.

8. It may be noticed that while issuing the notice in the present appeal, the directions given by learned Single Judge to appoint a fresh lambardar of the village concerned has been stayed by the Co-ordinate Division Bench of this Court and consequently, the appellant is continuing to discharge the duties on the post of lambardar even as of now.

9. Learned counsel for the appellant argues that once, the order dated 16.03.2010 passed by the Financial Commissioner appointing respondent 3- Subedar Amolak Singh as a Lambardar has already been set-aside by the learned Single Judge, the direction given by the learned Single Judge to initiate the *Denovo* process for filling up the said post by inviting fresh applications, because the appellant is senior citizen, cannot be accepted unless and until, a finding that the appellant has suffered any disqualification or disability or is not able to perform his duties properly on the post in question, is recorded. She further submits that no such finding has been recorded by the learned Single Judge, hence, discontinuing the services of the appellant as a Lambardar, so as to initiate the said *de novo* process again may kindly be set-aside.



10. Learned counsel appearing on behalf of the respondent 3-Subedar Amolak Singh submits that even though, his client is already 84 years of old but he is still interested in performing the duties on the post of Lambardar of the village concerned.

11. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

12. The last argument raised by the learned counsel for the respondent No. 3 is that respondent No. 3-Subedar Amolak Singh is still ready to perform the duties on the post of lambardar even though he is 84 years of old as of now. It may be noticed that his appointment by the Financial Commissioner vide order dated 28.11.2014 has already been set-aside by the learned Single Judge while passing the impugned order dated 29.08.2016 and no appeal has been preferred by respondent No. 3-Subedar Amolak Singh to challenge the said order of learned Single Judge. In the absence of any challenge to said order, the claim of Amolak Singh to continue as a Lambardar cannot be considered any further.

13. With regard the direction given by the learned Single Judge to the Collector, Moga, to start the *de-Novo* process for appointment of a fresh lambardar of the village concerned, it may be noticed that except the age of appellants, no disqualification of the appellant, qua discharging the duties on the post of lambardar properly, has been pointed out by the learned Single Judge. Moreover, age is no bar for the appointment to the said post unless and until there is a finding specifically recorded by the learned Single Judge in the impugned order to that effect that the appellant is unable to perform his duties on the said post, no direction to start *de-Novo* process for appointment could be ordered.



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14. Even after passing of the impugned order by the learned Single Judge in year 2016, the appellant is still performing the duties of the post of Lambardar for the last 10 years, which shows that he is fully capable in doing so. Hence, in the absence of any disqualification or allegations that due to age of the appellant, he is not able to perform the duties on the post of lambardar, being established, the order passed by the learned Single Judge giving direction to initiate a *de novo* process for the appointment of new Lambardar, cannot be upheld. The said direction of the learned Single is hereby set-aside and the appellant is allowed to continue as a Lambardar as per the order of appointment which was passed by the Collector after considering the claim of the appellant on merit.

15. The present appeal is allowed in above terms.

16. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

26.02.2026

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No