

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

224

LPA-1952-2023 (O&M)  
Date of Decision :24.02.2026

Darshan Singh

...Appellant

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Vinay Bajaj, Advocate for the appellant.

Mr. Rahul Rampal, Addl. A.G. Punjab.

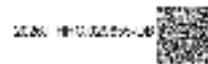
Mr. K.B.S. Mann, Advocate for respondent No.4.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present appeal, the challenge is to the impugned order dated 17.08.2023 passed by the learned Single Judge of this Court in CWP-24331-2019 by which, the selection of the appellant as Lambardar of the village Bhisiana, Tehsil and District Bathinda, has been set aside and the case has been remanded back to the District Collector, Bathinda for fresh consideration.

2. Learned counsel for the appellant submits that the name of the appellant was recommended by the authorities and he was ultimately appointed as a Lambardar of the village by the District Collector concerned vide order dated 08.05.2012 and the appointment had already been upheld by the Commissioner as well as the Financial Commissioner. But the learned Single Judge of this Court has remanded the case back to authorities by

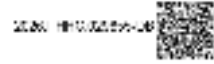


holding that the respondent No.4 who is younger in age should have been given preference, which appreciation could not have been given by the learned Single Judge of this Court as the concerned authorities had applied the mind and selected the appellant as a Lambardar coupled with the fact that he has already been discharging the duties of the said post for the last 14 years and therefore, the order passed by the learned Single Judge of this Court is liable to be set aside.

3. Learned counsel for the respondents submits that keeping in view the observations of the learned Single Judge of this Court where comparative merit has been evaluated, the respondent No.4 has been found more meritorious hence, the order passed by the learned Single Judge of this Court is perfectly valid and legal so as to remand the case back to the authorities concerned for fresh adjudication.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that observations made by the learned Single Judge of this Court could be accepted immediately when the initial appointment has been made but in the present case, the appellant is working for the last 14 years as a Lambardar and nothing has come on record that he is not competent to do so or has misused his jurisdiction in any manner. After the period of approximately one and a half decade, remanding the case back only on the ground that as per the opinion of the learned Single Judge of this Court, the respondent No.4 is better qualified, cannot be accepted.



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issue raised was not brought to the notice of the authorities concerned which reflects seriously on the conduct, capability or eligibility of the selected candidate.

7. No such issue has been raised in the present appeal as only the comparative merit has been taken as a ground by the learned Single Judge of this Court to remand the case back.

8. It is a settled principle of law that in case the selected candidate suffers no disability coupled with the fact that the selected candidate has already worked for a period of 14 years without any complaint, remanding the case back to the authorities concerned for fresh adjudication is not made out in the facts and circumstances of the present case.

9. Hence, the impugned order dated 17.08.2023 passed by the learned Single Judge of this Court is set aside and the writ petition filed by the respondent No.4 being CWP-24331-2019 is dismissed and the present appeal is accordingly allowed .

10.. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

(VIKAS SURI)  
JUDGE

February 24, 2026  
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Whether speaking/reasoned : Yes  
Whether reportable : No