

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

Date of decision: 19.05.2026

(275) CWP-1156-2020 (O&M)

Sat Pal

2026:PHHC:079812



....Petitioner

Versus

State of Haryana and others

....Respondents

(275.1) CWP-27467-2022 (O&M)

Bahadur Singh

2026:PHHC:079812



...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajinder S. Rana, Advocate
for the petitioner (in CWP-1156-2020) and
respondent No. 5 (in CWP-27467-2022).

Mr. G.C. Shahpuri, Advocate
for the petitioner (in CWP-27467-2022) and
respondent No.5 (in CWP-1156-2020).

Mr. Pankaj Mulwani, Sr. DAG, Haryana.

Mr. Ranjit Saini, Advocate
for respondent No.4 (in both cases).

HARSH BUNGER J. (Oral)

1. This order shall dispose of two writ petitions i.e.

CWP-1156-2020 and CWP-27467-2022 as they involve common issues
of law and facts.

2. Prayer in the writ petition (CWP-1156-2020) herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order

dated 03.10.2013 (Annexure P-3) passed by learned Collector, Ambala, whereby, respondent No.5 – Bahadur Singh (writ petitioner in CWP-27467-2022) was appointed as Lambardar (General) of village Sirasgarh, Tehsil Barara, District Ambala.

2.1 A further prayer has been made for setting aside the order dated 06.05.2016 (Annexure P-5) passed by learned Commissioner, Ambala Division, Ambala, and order dated 03.07.2019 (Annexure P-9) passed by learned Financial Commissioner, Haryana whereby an appeal as well as revision preferred by petitioner-Sat Pal against the aforesaid learned Collector's order dated 03.10.2013 (Annexure P-3) has been dismissed.

3. Similarly, prayer in the writ petition (CWP-27467-2022) herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 06.05.2016 passed by learned Commissioner, Ambala Division, Ambala as well as order dated 03.07.2019 passed by learned Financial Commissioner, Haryana.

3.1 A further prayer has been made for restoring the order dated 03.10.2013 passed by learned Collector, Ambala, whereby, the petitioner – Bahadur Singh (respondent No.5 in CWP-1156-2020), was appointed as Lambardar (General) of village Sirasgarh, Tehsil Barara, District Ambala.

4. For the sake of brevity, facts are being taken from writ petition **CWP-1156-2020**.

5. Mr. Ranjit Saini, Advocate appears and files Vakalatnama on behalf of respondent No.4 (in both cases) in Court today, which is taken on record, subject to all just exceptions.

5.1 Mr. Rajinder S. Rana, Advocate appears and files Vakalatnama on behalf of respondent No.5 (in CWP-27467-2022) in Court today, which is taken on record, subject to all just exceptions.

6 Briefly, upon demise of Smt. Attar Kaur, previous Lambardar of village Sirasgarh, Tehsil Barara, District Ambala, proceedings were initiated for filling up the said vacancy, wherein present petitioner (Sat Pal), respondent No.4 (Naresh Kumar) and respondent No.5 (Bahadur Singh) were also the candidates.

6.1 It appears that the Naib Tehsildar, Mullana recommended the candidature of petitioner (Sat Pal) for appointment to the aforesaid vacancy, whereas learned Sub-Divisional Magistrate recommended candidature of respondent No.5 (Bahadur Singh) and placed the matter before the learned Collector, Ambala.

7. The learned Collector, Ambala vide order dated 03.10.2013 (Annexure P-3) appointed respondent No.5 (Bahadur Singh) as the Lambardar of village Sirasgarh, Tehsil Barara, District Ambala.

8 Feeling aggrieved against the aforesaid learned Collector's order dated 03.10.2013 (Annexure P-3), present petitioner (Sat Pal) preferred an appeal before the learned Commissioner, Ambala Division, Ambala. Similarly, another candidate namely respondent No.4 herein (Naresh Kumar) also filed a separate appeal challenging the aforesaid order dated 03.10.2013 (Annexure P-3).

8.1 The learned Commissioner, Ambala Division, Ambala, decided both the above-referred appeals vide common order dated 06.05.2016 (Annexure P-5), whereby, the aforesaid learned Collector's order dated

03.10.2013 (Annexure P-3), was set aside and respondent No.4 – Naresh Kumar was appointed as Lambardar (General) of Village Sirasgarh, Tehsil Barara, District Ambala.

9. Feeling aggrieved against the aforesaid order dated 06.05.2016 (Annexure P-5), the present petitioner (Sat Pal) as well as respondent No.5 (Bahadur Singh) filed their separate appeals before the learned Financial Commissioner, Haryana, which came to be dismissed vide common order dated 03.07.2019 (Annexure P-9).

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

11. I have heard the learned counsel for the respective parties and perused the paperbook with their able assistance.

12. At the outset, it would be apposite to refer to the comparative merits of the petitioner (Sat Pal), respondent No.4 (Naresh Kumar) and respondent No.5 (Bahadur Singh), as noticed by the learned Collector, Ambala, which can be summed as under:-

	Petitioner (Sat Pal)	Respondent No. 4 (Naresh Kumar)	Respondent No. 5 (Bahadur Singh)
Age	45 years	37 years	39 years
Educational qualification	10 th pass	11 th pass	10 th pass
Landholding	---	13 Marla	02K-17M
Recommended by	Naib Tehsildar, Mulana	---	Sub-Divisional, Magistrate

12.1 A perusal of the above-extracted comparison would show that the Respondent No. 4 (Naresh Kumar) has an edge over the petitioner

(Sat Pal) as well as respondent No.5 (Bahadur Singh), inasmuch as that respondent No.4 (Naresh Kumar) is younger in age and more educated than the other two candidates.

12.2 Apparently, the learned Collector, Ambala vide order dated 03.10.2013 (Annexure P-3) appointed respondent No.5 (Bahadur Singh) as the Lambardar (General), primarily on the ground that he owned more land than the other two candidates and also that his name was recommended by learned Assistant Collector, 1st Grade.

13. However, on an appeal being filed by petitioner (Sat Pal) as well as respondent No.4 (Naresh Kumar), the learned Commissioner, vide order dated 06.05.2016 (Annexure P-5), appointed respondent No.4 (Naresh Kumar) as Lambardar (General), by observing as under:-

“xxx

xxx

xxx

I have heard the arguments of the learned Counsels and after analyzing the record presented in the file I have come to this conclusion that mutual compromise had been reached upon by both the sides in the case of U/s 138 of Negotiable Instruments Act under consideration in the Court of Judicial Magistrate Ambala. In my opinion the person who has been a accused under section 138 of the Negotiable Instruments Act he is not a eligible candidate for the post of Lambardar. The Collector Ambala had ignored these facts and had not considered them. Satpal candidate is a defaulter of the Co-operative Society. The image of the candidate is not correct. Satpal candidate has constructed a house by doing illegal possession on the Panchayat land. A candidate who is a defaulter of any Government department/institute and has taken illegal possession of Panchayat land it will not be appropriate to appoint him as the Lambardar of the village. So, Satpal

cannot be appointed the Lambardar of the village. Lambardar works as a link between the government and the residents of the village who makes the policies of the government and administration reach out to the common citizens of a village and helps the government and the administration in providing services to the village residents. It is compulsory for the candidate for the post of Lambardar to be educated, young, clean image good reputation in village, should have knowledge of the work of Lambardar so that he can help in a correct manner in getting the policies of the government implemented in the village and is available in the village for common people at the time of need. All these good qualities are present in Sh. Naresh Kumar candidate. He is young in age than the other candidates i.e. 37 years and has passed twelfth class though the other two candidates are tenth pass. He is not a defaulter of any government department or institute. He has got good reputation in the village and is a permanent resident of the village. He is a blood donor and there is amount saved in his name in the small savings scheme. So, keeping in consideration the above said facts I am cancelling the orders dated 03.10.2013 passed by the Collector Ambala I am appointing Sh. Naresh Kumar son of Rajpal as the Lambardar of general category of Village Sirasgarh, Sub-Tehsil Mullana, Tehsil Barara, District Ambala. The file after compliance be kept in the office record.”

13.1 A bare perusal of the above-extracted findings returned by learned Commissioner, would show that the petitioner (Sat Pal) was non-suited primarily on the ground that he was a defaulter of the Co-operative Societies and that he had constructed his house on the Panchayat land.

13.2 Similarly, respondent No.5 (Bahadur Singh) was non-suited on the ground that he was involved in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881, wherein respondent No.5 (Bahadur

Singh) was convicted vide judgment dated 21.08.2015 passed by learned Judicial Magistrate 1st Class, Ambala, and vide order dated 25.08.2015, he was sentenced to undergo Rigorous Imprisonment for a period of 2 years and also to pay a cheque amount of Rs.30,00,000/- along with interests.

13.3 On the other hand, respondent No.4 (Naresh Kumar), was found to be a suitable candidate as he was younger in age and more educated than other two candidates and also that he has good reputation in the village.

14. The order dated 06.05.2016 (Annexure P-5) has been further affirmed by learned Financial Commissioner, vide order dated 03.07.2019 (Annexure P-9), by observing as under:-

“xxx

xxx

xxx

I have heard the contention of the both the counsel and perused the impugned order and relevant record of the case. Both the petitioners were involved in criminal cases and are defaulters of the Public Institutions. Collector Ambala without considering the actual facts appointed Bahadur Singh only on the recommendation of AC 1st Grade. However, Ld. Commissioner rightly finding error in the appointment of Lambardar by the Collector rectified the order by setting aside the choice of the Collector and ordered in favour of the respondent Naresh Kumar who is deserving candidate in view of his unblemished record. Counsel of the petitioner failed to point out any disqualification of the Naresh Kumar. Petitioner Bahadur Singh was facing criminal proceedings on the relevant date. Petitioner Satpal is also a defaulter, is in illegal possession of land and Gram Panchayet has not recommended his name for Lambardar. Therefore, I do not find any illegality in the order passed by the Ld. Commissioner setting aside the appointment of petitioner Bahadur Singh, and appointing respondent Naresh Kumar as a Lambardar of the village. In the

circumstances, order of the Ld. Commissioner is upheld and present petitions are dismissed herewith.”

15. After considering the totality of circumstances, I am of the considered view that the learned Collector had wrongly appointed respondent No.5 (Bahadur Singh) as the Lambardar (General) of village Sirasgarh, despite the fact that on the date of passing of the order dated 03.10.2013, the proceedings under Section 138 of the Negotiable Instruments Act, were pending against him. Furthermore, learned Collector had failed to consider the better merits of respondent No.4 (Naresh Kumar), inasmuch as that he is younger in age and more educated than the other candidates. In fact, respondent No.4 (Naresh Kumar) was wrongly non-suited by the learned Collector, on the ground that he was having less land than respondent No.5 (Bahadur Singh), although after abolition of land revenue in both the States of Punjab and Haryana, holding of land is not of much importance.

16. In my considered view, learned Commissioner, has duly appreciated all the merits and demerits of the candidates and rightly appointed respondent No.4 (Naresh Kumar) as the Lambardar (General) of village Sirasgarh, being the most suitable candidate and the learned Financial Commissioner, Haryana has rightly affirmed the aforesaid order.

17. In view of the above discussion, I see no illegality or perversity in the order dated 06.05.2016 (Annexure P-5) passed by learned Commissioner, Ambala Division, Ambala, as well as order dated 03.07.2019 (Annexure P-9) passed by learned Financial Commissioner, whereby, respondent No.4 (Naresh Kumar) is appointed as the Lambardar (General) of

village Sirasgarh, Tehsil Barara, District Ambala, being the most suitable candidate. Resultantly, the instant writ petition(s) fail and the same are accordingly *dismissed*.

18. All pending application(s), if any, shall also stand closed.
19. Photocopy of this order be placed on the connected case file.

19.05.2026
Ankit

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No