

**CWP-28722-2022 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****280****CWP-28722-2022 (O&M)****Date of decision: 26.02.2026****Shamsher Singh**

...Petitioner

Vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGERPresent: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Navneet Singh, Addl. A.G. Punjab.

Mr. A.S. Khinda, Advocate
for respondent No.4.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter-alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 31.05.2018 (Annexure P-1) passed by learned District Collector, Kapurthala, whereby respondent No.4 - Gurpreet Singh has been appointed as Lambardar of village Chak Patti Balu Bahadur, Tehsil Sultanpur Lodhi, District Kapurthala.

1.1. A further prayer has been made for setting aside the order dated 18.11.2020 (Annexure P-3) passed by learned Commissioner, Jalandhar Division, Jalandhar and order dated 11.07.2022 (Annexure P-5) passed by learned Financial Commissioner (Appeals), Punjab, whereby, the appeal as well as revision petition preferred by the petitioner against the learned Collector's order dated 31.05.2018 (Annexure P-1) have been dismissed, respectively.

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2. Briefly, upon demise of Sh. Gurnam Singh, previous Lambardar of village Chak Patti Balu Bahadur, Tehsil Sultanpur Lodhi, District Kapurthala, proceedings were initiated for filling up the said vacancy, wherein petitioner (Shamsher Singh) and respondent No.4 (Gurpreet Singh) were also the candidates.

2.1. The learned Naib Tehsildar, Sultanpur Lodhi as well as the learned Sub Divisional Magistrate, Sultanpur Lodhi, recommended the candidature of respondent No.4 (Gurpreet Singh) for appointment to the aforesaid vacancy and placed the matter before the learned Collector, Kapurthala.

2.2. Learned Collector, Kapurthala after considering the relative merits and demerits of the candidates found respondent No.4 (Gurpreet Singh) to be more suitable candidate and accordingly appointed him as the Lambardar of village Chak Patti Balu Bahadur, Tehsil Sultanpur Lodhi, District Kapurthala, vide order dated 31.05.2018 (Annexure P-1).

2.3. Feeling aggrieved against the aforesaid order dated 31.05.2018 (Annexure P-1), present petitioner preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which came to be dismissed vide order dated 18.11.2020 (Annexure P-3).

2.4. Still aggrieved, the petitioner (Shamsher Singh) preferred a revision petition (ROR No.251 of 2021) before the learned Financial Commissioner (Appeals), Punjab, which has also been dismissed vide order dated 11.07.2022 (Annexure P-5).

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



4. Learned counsel for the petitioner contends that the Revenue Authorities below have erred in law and facts in passing the impugned orders, as the better merits of the petitioner have been ignored. It is submitted that, the petitioner is son of the previous Lambardar and therefore, has a hereditary claim for the appointment to the aforesaid vacancy, which has not been considered by the Revenue Authorities. It is further submitted that the petitioner is more meritorious in terms of educational qualification also, as he is a Graduate and has done Diploma in Mechanical Engineering, whereas respondent No.4 has studied only up to 10+2. It is next submitted that, the petitioner is also younger in age than respondent No.4, and all the aforesaid factors have been brushed aside by the Revenue Authorities below while appointing respondent No.4 as the Lambardar.

5. Per contra, learned counsel for the respondent No.4 has opposed the aforesaid submissions raised by learned counsel for the petitioner. It is contended that once the learned Collector found respondent No.4 as suitable candidate for appointment to the post of Lambardar and appointed as such, which has been further affirmed by the learned Commissioner as well as the learned Financial Commissioner, (Appeals), Punjab, no interference in the same is required; accordingly prayer has been made for dismissal of the instant petition.

6. Heard.

7. Concededly, respondent No.4 was appointed as Lambardar by learned Collector, Kapurthala vide order dated 31.05.2018 (Annexure P-1); the relevant extract of the same reads as under:-



“From the perusal of the record, which came on file and after hearing the candidates, Gurpreet Singh son of Kundan Singh is found to be most competent candidate for this post because he is 31 years of age, 10+2 pass and he is proved to be owner of 58 kanal of land, he is member of Rotary Club and the lower officers have given recommendation to appoint him as Nambardar. As per report of the lower officers, he is not in illegal possession of any government land at the spot. Whereas, in his comparison the other candidate Shamsher Singh is found to be owner of less land. Therefore, the candidate Gurpreet Singh son of Kundan Singh r/o Village Chak Patti, Ballu Bahadar, Tehsil Sultanpur Lodhi, District Kapurthala is appointed a new Nambardar (general category) against the vacant post of Gurnam Singh Nambardar s/o Piara Singh Vill. Chak Patti Ballu Bahadar, Hadbast No. 155, Tehsil Sultanpur Lodhi, District Kapurthala. The case file may be filed in the record room after compliance.”

7.1 A perusal of the above-extracted order passed by learned Collector would show that, respondent No.4 (Gurpreet Singh) was found to be a suitable candidate, being 31 years of age, having studied up to 10+2; owning 58 kanals of land and also a member of the Rotary Club. Further, even the lower Revenue Officers have recommended his name for the appointment as Lambardar.

7.2. As regards the hereditary claim of the petitioner is concerned, the same is untenable, as the same has been held to be ultra vires the Constitution of India by the Hon’ble Division Bench of this Court in case of ***Karnail Singh vs. State of Haryana, 1973 PLJ 676.***

7.3 As regards educational qualification is concerned; suffice it to say, no doubt the petitioner is more educated than respondent No.4,



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however, in terms of the Punjab Land Revenue Rules, no minimum education qualification is prescribed for appointment to the post of Lambardar. Respondent No.4 has studied up to 10+2, therefore, he cannot be considered ineligible for the post of the Lambardar.

7.4 Further although, the petitioner is younger in age than respondent No.4 by only 5 years; however, the age of the candidate is to be seen in the context of ability of the candidate to discharge the duties of the Lambardar. It is not the case of the petitioner, that on account of more age, respondent No.4 is incapacitated to discharge the duties of the Lambardar.

8. In the instant case, all the Revenue Authorities below have concurrently found respondent No.4 as suitable candidate for appointment as Lambardar. It has not been shown that the appointment of respondent No.4 as Lambardar is either illegal or perverse. It needs no reiteration that in the matter of appointment of Lambardar, choice of Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein.

9. Considering the totality of circumstances, I see no compelling reasons, which may warrant any interference in the orders passed by the Revenue Authorities below. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

26.02.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No