

CWP-26634-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CWP-26634-2023 (O&M)

Date of decision: 01.04.2026

Gagandeep Kaur

....Petitioner

Vs.

Financial Commissioner, (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

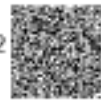
Mr. Navdeep Jain, Advocate for
Mr. S.K. Singla, Advocate
for respondent No.4.

HARSH BUNGER J. (Oral)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 15.10.2019 (Annexure P-3) passed by learned Divisional Commissioner, Patiala and order dated 05.10.2023 (Annexure P-5) passed by learned Financial Commissioner (Appeals), Punjab.

2. In compliance of order dated 30.09.2024 passed by this Court, reply dated 16.01.2025 on behalf of respondent No.4, along with costs of Rs.5,000/- has been filed, which is already on record.

3. Briefly, on account of removal of Sh. Beant Singh, previous Lambardar of Village Farwali, Tehsil Ahmedgarh, District Sangrur, proceedings were initiated for filling up the said vacancy, wherein petitioner



(Gagandeep Kaur) and respondent No.4 (Nirbhai Singh) were also the candidates.

3.1 It appears that when the matter was pending before the learned Sub-Divisional Magistrate, Malerkotla, respondent No.4 (Nirbhai Singh) went abroad for his son's wedding; however subsequently, he appeared through his counsel on 27.11.2017.

3.2 It further appears that the learned Tehsildar, recommended the candidature of respondent No.4 (Nirbhai Singh) for appointment to the aforesaid vacancy, whereas learned Sub-Divisional Magistrate recommended the candidature of present petitioner (Gagandeep Kaur) for the appointment as Lambardar and placed the matter before the learned Collector, Sangrur.

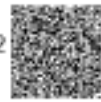
3.3. Learned Collector, Sangrur, after considering the relative merits and demerits of the candidates found petitioner (Gagandeep Kaur) as the more suitable candidate; accordingly, appointed her as the Lambardar of Village Farwali, Tehsil Ahmedgarh, District Sangrur, vide order dated 20.04.2018 (Annexure P-1).

4. Feeling dissatisfied against the aforesaid order dated 20.04.2018 (Annexure P-1), respondent No.4 (Nirbhai Singh) preferred an appeal before the learned Commissioner, Patiala Division, Patiala, which came to be allowed vide order dated 15.10.2019 (Annexure P-3) whereby the learned Collector's order was set aside and respondent No.4 (Nirbhai Singh) was appointed as the Lambardar of Village Farwali, Tehsil Ahmedgarh, District Sangrur.

5. Feeling aggrieved against the aforesaid learned Commissioner’s order, the present petitioner preferred a revision petition (ROR No.47 of 2020) before the learned Financial Commissioner (Appeals), Punjab, which has been dismissed vide order dated 05.10.2023 (Annexure P-5).
6. In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief(s) as noticed hereinabove.
7. A perusal of the order sheets would show that while issuing notice of motion in this case, this Court had stayed the operation of the order dated 15.10.2019 (Annexure P-3) passed by learned Commissioner as well as order dated 05.10.2023 (Annexure P-5) passed by learned Financial Commissioner.
8. I have heard the learned counsel for the respective parties and perused the paperbook with their able assistance.
9. Here, it would be apposite to refer to the relative merits of the petitioner and respondent No.4 (as noticed by the Learned Collector in order dated 20.04.2018), which is as under:-

	Petitioner (Gagandeep Kaur)	Respondent No. 4 (Nirbhai Singh)
Age	32 years	56 years
Educational qualification	12 th pass and 1 Year Computer Diploma	10 th pass
Landholding	0.5 acre	10 acre
Recommended by	Sub Divisional Magistrate	Tehsildar

- 9.1 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.



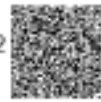
That apart the name of the petitioner was also recommended by the learned Sub-Divisional Magistrate.

10. Considering the above-referred better merits of the petitioner, the learned Collector appointed the petitioner as the Lambardar vide order dated 20.04.2018 (Annexure P-1); however, on appeal being filed by respondent No.4, learned Commissioner has set aside the aforesaid learned Collector's order and appointed respondent No.4 (Nirbhai Singh) as the Lambardar, by observing as under:-

"I have given by thoughtful consideration to the above submissions made by the parties and have also closely perused the record as is available on the file. In this case the Collector has appointed the respondent as Lambardar of the village vide order dated 20-04-2018.

After perusing all the facts of the case, I am of the opinion that the appellant is a better candidate for the post of lambardar. He is a mature person of 56 years and can perform the duties of lambardari very well. Furthermore, he has remained as a Panch of the village which is an evidence of his having a good influence in the village. He has studied upto Matric and owns much more land than the respondent. His candidature was overlooked merely because he was reported to have gone to Canada for performing wedding of his son. There is no evidence that he had permanently shifted there. Furthermore, father of the respondent was removed by the Collector due to serious charges. The apprehension expressed by the appellant that if the respondent, who happens to be daughter of the dismissed lambardar, is appointed as lambardar her father would de facto remain as lambardar is also not without merit.

Under the normal circumstances, the choice of District Collector in the matter of appointment of village lambardars is

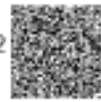


*not to be interfered but here, there is strong case for intervention as the learned District Collector has over looked some very important facts of the case. Keeping in view the above discussed facts of the matter, the appeal is **accepted** and the impugned order dated 20-04-2018 passed by District Collector, Sangrur is set aside and further **the present appellant Nirbhai Singh son of Harnek Singh, is ordered to be appointed as lambardar of village Farwali, Tehsil Ahmedgarh, District Sangrur.***”

10.1 From a perusal of the above-extracted observation made by learned Commissioner, it would be apparent that the petitioner was non-suited by the learned Commissioner primarily on the ground that her father namely Sh. Beant Singh, previous Lambardar, had been removed from the post of Lambardar by the learned Collector and therefore, there was an apprehension that if the petitioner is appointed as the Lambardar, then her father would remain as a de facto Lambardar.

11. In my considered view, the aforesaid reasoning rendered by learned Commissioner is flawed to the extent that, demerits attached to the father of the petitioner have been wrongly attributed to the petitioner. Furthermore, the said attribution of demerit is without any substance and is purely on the basis of assumption, which is unsustainable in the eyes of law. Even, the learned Financial Commissioner has erred in not appreciating the aforesaid flaw in the reasoning rendered by the learned Commissioner and has wrongly upheld the order passed by the learned Commissioner.

12. That apart, the order passed by the learned Commissioner is contrary to the well-established position that in the matter of appointment of Lambardar, the choice of the Collector is not to be lightly interfered with,

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even if two views are possible, unless there is any patent illegality or perversity.

13. Considering the totality of circumstances, the order dated 15.10.2019 (Annexure P-3) passed by learned Commissioner, Patiala Division, Patiala and order dated 05.10.2023 (Annexure P-5) passed by learned Financial Commissioner (Appeals), Punjab, are unsustainable in the eyes of law and the same are accordingly, set aside. Resultantly, the order dated 20.04.2018 (Annexure P-1) passed by the learned Collector, appointing the petitioner (Gagandeep Kaur) as the Lambardar of Village Farwali, Tehsil Ahmedgarh, District Sangrur, is hereby maintained.

14. The present writ petition is, accordingly allowed and disposed of in the aforestated terms.

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

01.04.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No