

2026PHHC.023692



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

CM-16764-CWP-2025 in/and
CWP-37199-2019 (O&M)
Date of Decision: 17.02.2026

Ramphal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Mahavir Singh, Advocate
for the petitioner,

Mr. Abhimanyu Antil, DAG, Haryana.

HARSH BUNGER J.

CM-16764-CWP-2025:

Prayer in the present application is for placing on record a copy of the judgment dated 21.07.2025 (Annexure P-16) passed by this Court in CWP No.4162 of 2023, along with a copy of the notarized undertaking dated 29.07.2024 (Annexure P-17) furnished by the present petitioner,

For the reasons mentioned in the application, the copy of judgment dated 21.07.2025 (Annexure P-16) passed by this Court in CWP No.4162 of 2023 as well as a copy of the notarized undertaking dated 29.07.2024 (Annexure P-17) furnished by the present petitioner, are taken on

record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-37199-2019 (O&M):

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 19.09.2018 (Annexure P-3) passed by the learned Collector, Rohtak; orders dated 12.12.2018 (Annexure P-4) and 18.09.2019 (Annexure P-6), passed by the learned Divisional Commissioner, Rohtak; and order dated 05.12.2019 (Annexure P-8) passed by the learned Financial Commissioner, Haryana.

2. Briefly, upon demise of Sh. Chanderbhan, previous Lambardar (General Category) of Village Sunari Kalan, Tehsil and District Rohtak, proceedings for filling up the said vacancy were initiated, whereupon petitioner – Ramphal and respondent No.4 – Subhash Chander applied for the said vacancy.

2.1 The learned Tehsildar, Rohtak, as well as the learned Sub Divisional Officer (Civil), Rohtak, recommended the candidature of the petitioner for appointment to the aforesaid vacancy, and the matter was placed before the learned Collector, Rohtak.

2.2 The learned Collector, Rohtak, vide order dated 19.09.2018 (Annexure P-3), appointed respondent No.4 – Subhash Chander as Lambardar of Village Sunari Kalan.

2.3 Feeling aggrieved against the aforesaid order dated 19.09.2018 (Annexure P-3), petitioner preferred an appeal before the learned Divisional Commissioner, Rohtak, however, the same was dismissed vide order dated 12.12.2018 (Annexure P-4).

2.4 Still dissatisfied, petitioner preferred a revision petition (ROR No.418 of 2019) before the learned Financial Commissioner, Haryana, who vide order dated 15.07.2019 (Annexure P-5), remanded the matter to the learned Divisional Commissioner, Rohtak, by observing as under:-

“I have perused the record available on file and order of Commissioner as well as Collector and found that the fact regarding lodging of an FIR against Sh. Subhash Chander was not brought to the knowledge of the Collector and the Commissioner during the pendency of the case before these Courts.

In view of the FIR lodged and still pending trial as per information obtained (copy enclosed) through RTI vide Letter No. 2018/2723/600/Su. Pra. Madhya Shetra dated 16.1.2019 from the o/o Addl. Commissioner of Police and Public Information Officer, Centre District, Dariyaganj, Delhi against Sh. Subhash Chander, the case is remanded back to Commissioner, Rohtak to verify the fact after hearing both the parties and if need be the order dated 12.12.2018 passed by Commissioner, Rohtak be modified.”

2.5 Thereafter, on remand, the learned Divisional Commissioner, Rohtak, vide order dated 18.09.2019 (Annexure P-6), set aside the order dated 19.09.2018 (Annexure P-3) passed by the learned Collector, Rohtak, and further directed that a fresh proclamation and publication be carried out for filling up the vacant post of Lambardar of Village Sunari Kalan. It was held that the petitioner – Ramphal as well as respondent No.4 – Subhash Chander were ineligible for appointment to the said post of Lambardar.

2.6 Feeling dissatisfied, petitioner herein preferred a revision petition (ROR No.90 of 2019) before the learned Financial Commissioner,

Haryana, however, the same was dismissed vide order dated 05.12.2019 (Annexure P-8).

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

4. A perusal of the order sheets reveals that while issuing notice of motion, this Court, vide order dated 20.12.2019, directed that the proceedings before the learned Collector, Rohtak, may continue; however, the final decision shall not be taken by the said authority in pursuance thereof.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. The learned Divisional Commissioner, Rohtak, in order dated 18.09.2019 (Annexure P-6), as regards respondent No.4 – Subhash Chander, recorded a categorical finding that he had concealed a material fact regarding a case bearing No.258/2010, registered against him at New Delhi under Sections 420, 468 and 471 of the Indian Penal Code. On that ground, he was held to be ineligible for appointment to the post of Lambardar.

6.1 As regards the present petitioner, the learned Divisional Commissioner, Rohtak, vide order dated 18.09.2019 (Annexure P-6), observed that the petitioner was in government service and, at the same time, petitioner was claiming himself to be functioning as a *Sarbara* Lambardar. It was held that being a regular government employee, it was not justified as to how and in what capacity the petitioner had represented himself as *Sarbara* Lambardar, and that too without obtaining prior permission from the competent Department/Government.

7. The said order dated 18.09.2019 (Annexure P-6) was further affirmed by the learned Financial Commissioner, Haryana, vide order dated 05.12.2019 (Annexure P-8), by observing as under:-

“I have gone through the averments of the counsel for the Petitioner and perused the record available on file and found that the contention of the Petitioner namely Shri Ramphal is not tenable that Commissioner has held Petitioner ineligible for the post of Lambardar. As per the given directions of this Court, Commissioner Rohtak Division, Rohtak heard both the parties and has passed an order dated 18.7.2019 stating that both the candidates were not eligible for the post of Lambardar. Commissioner also held in his order that fresh Munadi may be got conducted in the village for appointment of Lambardar of Village Sunari Kalan, Tehsil & District Rohtak. The proceedings have to start de-novo. Thus, there is no infirmity in the order dated 18.7.2019 passed by Commissioner, Rohtak Division, Rohtak. The Commissioner has ordered for fresh Munadi in the village for appointment of Lambardar. Present Petitioner has not been debarred in the said order from contesting for the post of Lambardar and any person including the Petitioner can apply for the post of Lambardar. Therefore, order dated 13.7.2019 passed by Commissioner, Rohtak Division Rohtak is upheld and ROR filed by Shri Ramphal-petitioner is dismissed in limine being devoid of any merits in the case.”

8. The learned Financial Commissioner, Haryana, while upholding the order passed by the learned Divisional Commissioner directing issuance of fresh *munadi* in the village for appointment to the post of Lambardar, has, however, observed that the petitioner has not been debarred from contesting for the said post and that any eligible person, including the petitioner, is at

liberty to apply for the said post.

9. It appears that the petitioner retired from the post of Deputy Chief Engineer in October, 2015 [as recorded by the learned Divisional Commissioner vide order dated 05.12.2019 (Annexure P-8)]. It has come on record that the petitioner is presently about 68 years of age. In *“Mahavir Singh v. Khiali Ram and others”, 2009(1) RCR (Civil) 757*, it was held by the Hon’ble Supreme Court that in the matter of appointment of Lambardar, age of a candidate is a relevant factor.

10. It needs no reiteration that a person to be appointed on the post of Lambardar should be enjoying good reputation and unblemished image besides having personal influence in the society. At the same time, he should also be trustworthy, dedicated, a person of good character and ability, having sincerity to duty, and who could maintain dignity of the office of Lambardar. While selecting the candidate for the post of Lambardar, the revenue authority has to weigh and judge the comparable qualifications of the rival candidates. Accordingly, in the process of selection, a wide choice must be available to the concerned authority in order to appraise the merits and de-merits of competing candidates and to find the best person for being appointed as Lambardar of the village.

11. Considering the totality of circumstances, I find no compelling reason to interfere in the order dated 18.09.2019 (Annexure P-6) passed by the learned Divisional Commissioner, Rohtak, whereby a direction has been issued to initiate *de novo* proceedings for filling up the vacant post of Lambardar of Village Sunari Kalan; which has been further affirmed vide order dated 05.12.2019 (Annexure P-8) passed by the learned Financial Commissioner, Haryana.

12. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.
13. All pending application(s), if any, shall also stand closed.

17.02.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No