

2026:PHHC:058498



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

**CWP-31536-2025 (O&M)
Date of Decision: 17.04.2026**

Kulwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Akash Manocha, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 05.04.2023 (Annexure P-3) passed by the learned Collector, Fatehgarh Sahib, whereby respondent No.4 – Manjit Singh has been appointed as the Lambardar of Village Jakhwali, Sub Tehsil Chanrathal Kalan, District Fatehgarh Sahib.

1.1 A further prayer has been made for setting aside the order dated 31.07.2024 (Annexure P-2) passed by the learned Divisional Commissioner, Patiala, as well as the order dated 03.04.2025 (Annexure P-1) passed by the learned Financial Commissioner, Punjab.

2. Briefly, upon demise of Sh. Baljit Singh, previous Lambardar (General Category) of Village Jakhwali, Sub Tehsil Chanrathal Kalan,

District Fatehgarh Sahib, proceedings for filling up the said vacancy were initiated, wherein petitioner – Kulwinder Singh and respondent No.4 – Manjit Singh were also the candidates.

2.1 It appears that when the matter was listed before the learned Collector, Fatehgarh Sahib, the petitioner – Kulwinder Singh did not appear, and since respondent No.4 – Manjit Singh was the sole candidate in the fray, the Collector, Fatehgarh Sahib, vide order dated 05.04.2023 (Annexure P-3), appointed respondent No.4 as the Lambardar (General Category) of Village Jakhwali.

2.2 Feeling aggrieved against the aforesaid order dated 05.04.2023 (Annexure P-3), petitioner preferred an appeal before the learned Divisional Commissioner, Patiala, which came to be dismissed vide dated 31.07.2024 (Annexure P-2).

2.3 Still dissatisfied, petitioner preferred a revision petition (ROR No.88 of 2025) before the learned Financial Commissioner, Punjab, which was also dismissed vide order dated 03.04.2025 (Annexure P-1).

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

4. Heard.

5. In the instant case, the Collector, Fatehgarh Sahib, vide order dated 05.04.2023 (Annexure P-3), appointed respondent No.4 as the Lambardar (General Category) of Village Jakhwali, by observing as under:-

“..... Due to the non-appearance of candidate Kulwinder Singh in the court, unilateral action is being taken against him. Thus, candidate Manjit Singh was left alone in the fray. Candidate Manjit Singh is a permanent resident of village Kakhwali and

his age is 29 years. The candidate has passed 12th. He can read and write Punjabi and English well. The candidate has about 16 kanals 0 marla of land in village Jakhwali. The candidate is the grandson of the Mutwafi Numbardar and that Mutwafi Numbardar has also been the head of the village. Due to which he is familiar with the work of Numbardar. The candidate actively participates in the common works of the village. He does not belong to any political party. 190 respected persons of the village have closed their joint statement in favor of the candidate Manjit Singh. Considering all the above circumstances and agreeing with the recommendation of Assistant Collector Grade 1, Fatehgarh Sahib, candidate Manjit Singh son of Jasvir Singh is appointed as the (General Category) Numbardar of Baljit Singh Numbardar (General Category) son of Saroop Singh of village Jakhwali, Haddabast No.329 Sub Tehsil Chanarthal Kalan, District Fatehgarh Sahib.”

6. Concededly, the aforesaid Collector’s order dated 05.04.2023 (Annexure P-3) has been further affirmed by the learned Divisional Commissioner, Patiala, as well as the learned Financial Commissioner, Punjab, vide orders dated 31.07.2024 (Annexure P-2) and 03.04.2025 (Annexure P-1), respectively.

7. The learned Financial Commissioner, Punjab, while upholding respondent No.4 – Manjit Singh’s appointment as Lambardar (General Category) of Village Jakhwali, vide order dated 03.04.2025 (Annexure P-1), has returned the following findings:-

“6. I have heard Ld. Counsel for both the parties, gone through their submissions and have also perused the orders of the courts below. The comparative assessment of the petitioner and the respondent had been undertaken by the competent authority based on age, educational qualification, landholding, hereditary background, residence and general suitability. It is

evident from the order of the Collector that all relevant facts had been duly considered before making the appointment. The Commissioner had also affirmed the said order upon reappraisal of the record and found no ground for interference. The respondent had been found to be 29 years of age and qualified up to plus 2 level. It had been recorded that the respondent held 16 kanals of land in the same village and was permanently residing there. The respondent was also found to be the grandson of the deceased lambardar and thus possessed a valid hereditary argument which had rightly been considered relevant. Availability and connection with the village had not been disputed and these facts were also taken into account in determining the merit of the respondent. The petitioner on the other hand had been of 47 years of age and educated up to 10th class and landholding had been shown to be 35 kanals and residence in the village had also not been denied. However, landholding alone does not decide the merit for appointment to the post of lambardar. The comparative assessment involves consideration of multiple facts including age, education, hereditary background, conduct and general suitability. Convictions recorded against the petitioner in FIR no.10 dated 05.02.2011 and FIR no.111 dated 17.11.2014 had been noticed in the order of the Collector and further mentioned in the order passed by the Commissioner. As per law only the eligibility, qualifications and relevant facts existing on the date of application for the post are to be considered. No material irregularity or jurisdictional error had been pointed out which could justify interference in the order so passed. Even the Hon'ble Punjab and Haryana High Court in case of Tarsem Singh versus Financial Commissioner Cooperation Punjab, 2011 (3) Law Herald 2484 has held that the Collector, being the head of administration at the basic level, is best placed to judge the suitability of a candidate as he directly interacts with the candidates at the time of appointment. Similarly, in Satpal versus State of Haryana and Others, 2011 (3) LAR 636 (O&H),

it was observed that the choice of the Collector in the matter of appointing a Lambardar should not normally be interfered with unless the Collector has taken a perverse view or not exercised his choice judiciously. The Hon'ble Supreme Court in Mahavir Singh versus Khiali Ram and Others, 2009 (1) RCR (Civil) 757 has further clarified that there should not be interference with the choice made by the Collector in the appointment of Lambardar, even if two views are possible, as it is the prerogative of the Collector to compare the merits of the candidates.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismiss the present revision petition and order dated 31.07.2024 passed by the Commissioner, Patiala Division, Patiala as well as order dated 05.04.2023 passed by District Collector, Fatehgarh Sahib are hereby upheld. Copy of this order be communicated to the courts below. File be consigned to the record room."

8. A perusal of the aforesaid extracted findings recorded by the learned Financial Commissioner, Punjab, would show that the petitioner was involved in two criminal cases, i.e. FIR No.10 dated 05.02.2011 and FIR No.111 dated 17.11.2014.

9. It is not disputed by learned counsel for the petitioner that the petitioner stood convicted in both the aforesaid cases; however, he was ordered to be released on probation in terms of order dated 10.04.2017 (Annexure P-5) passed by the learned Judicial Magistrate, First Class, Fatehgarh Sahib, in relation to FIR No.10 dated 05.02.2011, and judgment dated 13.09.2023 (Annexure P-7) passed by the learned Additional Sessions Judge, Fatehgarh Sahib, in relation to FIR No.111 dated 17.11.2014.

10. It needs no reiteration that a candidate for the post of Lambardar is expected to possess clean antecedents and command respect

among the villagers, which, in the present case, appears to be lacking on the part of the petitioner.

11. Apparently, all the revenue authorities, i.e. the Collector, the Divisional Commissioner and the Financial Commissioner, have taken a concurrent view in favour of respondent No.4.

12. It is a well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. In this regard, reference can be made to a recent judgment dated 09.07.2025 passed by a Division Bench of this Court in *LPA No.2217 of 2024* titled as “**Murti Devi Vs. State of Haryana & Ors.**”, wherein it has been observed as under:

*“8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in **Neeraj Kumar Vs. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325.**”*

13. Keeping in view the aforesaid facts and circumstances, I find no compelling reason to interfere with the impugned orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

17.04.2026

Apurva

(HARSH BUNGER)
JUDGE

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