

2026.PHHC:016970



143

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

CWP-39411-2025 (O&M)

Date of Decision: 14.01.2026

Narinderpal Singh Dhaliwal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Harshmir Kaur Swaitch, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 21.04.2025 (Annexure P-12) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon death of Sh. Nazar Singh, previous Lambardar of Village Chakk Ka'an, Tehsil and District Ludhiana, the Deputy Commissioner, Ludhiana, granted permission on 16.12.2020 to initiate proceedings for filling the vacancy. Consequently, a proclamation (*mustri munadi*) was made in the village inviting the applications for the said vacancy, whereupon the petitioner – Narinderpal Singh Dhaliwal, along with respondents No.7 and 8 – Sukhwant Singh and Daljit Singh, respectively, and four others applied for the same. Thereafter, the Assistant Collector, IInd Grade, Mullaapur Dakha, District Ludhiana, sought character verification of the candidates from the Station House Officer. However, the

character verification was not received.

2.1 It is the case of the petitioner that due to the non-receipt of character verification reports in respect of respondents No.7 and 8 herein, as well as the other four applicants, the learned Assistant Collector, IInd Grade, Mullanpur Dakha, District Ludhiana, directed the concerned Halqa Patwari to conduct another proclamation (*mustri munadi*) in the village, inviting applications from interested persons up to 14.09.2021 for filling up the vacant post of Lambardar. However, no person came forward to submit any application except the petitioner. Thereafter, the antecedents of the petitioner were got verified from the concerned Station House Officer, who forwarded his report dated 14.09.2021. Subsequently, the candidature of the petitioner was recommended by the learned Assistant Collector, IInd Grade, Mullanpur Dakha, District Ludhiana, and the matter was forwarded to the learned Sub-Divisional Magistrate, Ludhiana, who also recommended the candidature of the petitioner. Thereafter, the matter was placed before the learned District Collector, Ludhiana.

2.2 The learned District Collector, Ludhiana, vide order dated 14.12.2021 (Annexure P-7), appointed the petitioner as Lambardar of Village Chakk Kalan, primarily on the ground that he was the sole candidate.

2.3 Feeling aggrieved against the aforesaid order dated 14.12.2021 (Annexure P-7), respondent No.7 preferred an appeal before the learned Divisional Commissioner, Patiala, however, the same was dismissed being time barred, vide order dated 12.10.2022 (Annexure P-10).

2.4 Still dissatisfied, respondent No.7 preferred a revision petition (ROR No.1104 of 2022) before the learned Financial Commissioner (Appeals), Punjab. Similarly, respondent No.8 filed a separate revision petition (ROR No.1105 of 2022) before the learned Financial Commissioner

(Appeals), Punjab. Both the said revisions came to be allowed vide a common order dated 21.04.2025 (Annexure P-12), whereby the order dated 14.12.2021 (Annexure P-7) passed by the learned District Collector, Ludhiana, as well as the order dated 12.10.2022 (Annexure P-10) passed by the learned Divisional Commissioner, Patiala, were set aside and the matter was remanded to the learned District Collector, Ludhiana, to pass a fresh order after considering the merits of respondents No.7 and 8 as well.

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

4. Heard.

5. The operative part of order dated 21.04.2025 (Annexure P-12) passed by the learned Financial Commissioner (Appeals), Punjab, reads as under:-

“7. I have heard and considered the arguments advanced by Counsel for both the parties and perused the documents available on record. The records show that the first proclamation was duly made inviting applications for the post of Lambardar and the petitioner along with the respondent and other candidates had applied. The procedure required verification of character and antecedents through the local police. However, the police report was not received. Thereafter, a second proclamation was made in the village under the instructions of the Halqa Patwari, without prior permission from the District Collector. It is clear from the record that the second proclamation was not issued with the sanction of the competent authority. As per law, any second proclamation must be preceded by necessary permission from the District Collector. The second proclamation, being made without such permission, cannot be treated as valid. The appointment based on the same is not sustainable. The petitioner had participated

in the first proclamation and had not been disqualified or removed from consideration by any valid process. The petitioner was not informed about the second proclamation and had no opportunity to apply afresh. The appointment made thereafter in favour of the respondent without full consideration of the candidates of the earlier round including the petitioner amounts to denial of fair opportunity and is in violation of procedure as per law. The Collector while appointing the respondent did not examine whether the process leading to the second proclamation was complete or valid. The issuance of Sanad to the respondent on 22.02.2022 has no bearing on the validity of the process. The fresh proclamation for the post of Lambardar only after obtaining proper sanction which has not done in the present case.

8. Resultantly, the present revision petitions are accepted. The order dated 12.10.2022 passed by Commissioner, Patiala Division, Patiala and order dated 14.12.2021 passed by the District Collector, Ludhiana are hereby set aside. The case is remanded to the District Collector, Ludhiana with a direction to pass the fresh order after considering the merits of both the candidates. Copy of this order be communicated to the courts below. File be consigned to the record room.”

6. A perusal of the above extracted order would show that pursuant to the first proclamation (*mustri munadi*) carried out in Village Chakk Kalan, the petitioner, respondents No.7 and 8, along with four other persons, had applied for the post of Lambardar; however, the character/antecedents of the candidates were not verified by the local police. Concededly, a second proclamation (*mustri munadi*) was made in the village without seeking prior permission from the learned District Collector, Ludhiana. Evidently, in response to the second proclamation, the petitioner was the only candidate who applied for the post of Lambardar and was accordingly appointed as Lambardar of Village Chakk Kalan by the learned

District Collector vide order dated 14.12.2021 (Annexure P-7). Since the second proclamation, in pursuance of which only the petitioner had applied for the vacant post of Lambardar, was not issued pursuant to any permission granted by the learned District Collector, the proceedings carried out in pursuance thereof cannot be treated as valid.

7. Learned counsel for the petitioner has failed to dislodge the observations made by the learned Financial Commissioner (Appeals), Punjab, vide its order dated 21.04.2025 (Annexure P-12).

8. I have carefully gone through the findings returned by the learned Financial Commissioner (Appeals), Punjab, in the order dated 21.04.2025 (Annexure P-12), and find no illegality or perversity therein. Indeed, once a proclamation has been made in the village and the selection proceedings have commenced, unless a fresh proclamation is ordered by the concerned District Collector for a justified reason, the Assistant Collector or any lower revenue officer has no jurisdiction to conduct another proclamation, thereby jeopardizing the entire selection process.

9. Keeping in view the aforesaid discussion, I find no merit in the instant writ petition and the same is, accordingly, dismissed.

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

14.01.2026*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No