



**CM-6309-CWP-2026 in/and
CWP-9701-2023 (O&M)**

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

**CM-6309-CWP-2026 in/and
CWP-9701-2023 (O&M)
Date of Decision: 24.04.2026**

Satnam Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Harneet Singh Oberoi, Advocate,
Ms. Aman Preet Kaur, Advocate and
Mr. Ketan Garg, Advocate for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Vivek K. Thakur, Advocate and
Ms. Vaishali Thakur, Advocate for respondent No.4.

HARSH BUNGER J. (ORAL)

CM-6309-CWP-2026:

Prayer in the present application is for placing on record the inquiry report dated 27.08.2019 (Annexure P-8), complaint dated 14.03.2019 (Annexure P-9) submitted to SSP, Kapurthala and various statements dated 05.04.2019 and 12.04.2024 (Annexure P-10 to P-21).

For the reasons mentioned in the application, the same is allowed and inquiry report dated 27.08.2019 (Annexure P-8), complaint



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dated 14.03.2019 (Annexure P-9) submitted to SSP, Kapurthala and various statements dated 05.04.2019 and 12.04.2024 (Annexure P-10 to P-21), are taken on record, subject to all just exceptions.

Application is disposed of, accordingly.

CWP-9701-2023:

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India *inter alia* is for issuance of a writ in the nature of Certiorari for setting aside the order dated 05.09.2022 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, upon demise of Sh. Mohinder Singh, previous Lambardar of Village Balochak, Tehsil Bholath, District Kapurthala; proceedings were initiated for filling up the vacancy, wherein the present petitioner- Satnam Singh and respondent No.4 - Surinder Singh were also the candidates.

2.1 Learned Collector, Kapurthala upon considering the relative merits and demerits of the candidates, found the present petitioner as a suitable candidate and appointed him as the Lambardar of Village Balochak, Tehsil Bholath, District Kapurthala vide order dated 11.05.2017 (Annexure P-1).

2.2 Feeling aggrieved against the aforesaid order dated 11.05.2017 (Annexure P-1), respondent No.4 (Surinder Singh) preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar; however, the same was dismissed vide order dated 28.08.2019 (Annexure P-2).

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2.3 Still aggrieved, respondent No.4 preferred a revision petition (ROR No.154 of 2020) before the learned Financial Commissioner (Appeals), Punjab, which came to be allowed vide order dated 05.09.2022 (Annexure P-5), whereby the order dated 11.05.2017 (Annexure P-1) passed by the learned Collector, appointing petitioner as the Lambardar as well as order dated 28.08.2019 (Annexure P-2) passed by the learned Commissioner were set aside and respondent No.4 was appointed as the Lambardar of Village Balochak, Tehsil Bholath, District Kapurthala.

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

4. A perusal of the order sheets would reveal that while issuing notice of motion in the present matter, a Co-ordinate Bench of this Court vide order dated 05.05.2023 had directed that status quo (as existing on that date i.e., 05.05.2023) shall be maintained till the next date of hearing. The said interim order has been continuing.

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

6. Here, it would be apposite to refer to relative merits of the candidates (as noticed by the learned Collector, Jalandhar), which can be summed up as under:-

<i>S. No.</i>	<i>Particulars</i>	<i>Petitioner (Satnam Singh)</i>	<i>Resp. No.4 (Surinder Singh)</i>
<i>1.</i>	<i>Age</i>	<i>46 years</i>	<i>32 years</i>
<i>2.</i>	<i>Educational qualification</i>	<i>10th Pass</i>	<i>Under Matric</i>

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3.	<i>Land holding/s</i>	<i>5.5 Acres</i>	<i>2 Acres</i>
4.	<i>Recommended by</i>	---	<i>Naib Tehsildar, Bholath and Sub Divisional Magistrate, Bholath</i>
5.	<i>Other Remarks</i>	<i>Ex- Army man and member of Gurudwara and serving as accountant and taking active part in social services.</i>	---

6.1. A perusal of above extracted comparison would show that the petitioner is more educated than respondent No.4 and also that he is having more land holding than respondent No.4. Learned Collector after appreciating the relative merits and demerits of the candidates, found petitioner (Satnam Singh) as the suitable candidate and; accordingly, appointed him as the Lambardar of Village Balochak, Tehsil Bholath, District Kapurthala vide order dated 11.05.2017 (Annexure P-1). Learned Collector's choice has been further affirmed by the learned Commissioner vide order dated 28.08.2019 (Annexure P-2); however, learned Financial Commissioner vide order dated 05.09.2022 (Annexure P-5) has set aside the petitioner's appointment, primarily on two grounds, firstly that the name of respondent No.4 was recommended by the lower revenue officer; however, learned Collector as well as learned Commissioner had not expressed their disagreement with such recommendations. Secondly, that there are allegations of fraud upon the present petitioner (Satnam Singh).

7. Before this Court, learned counsel for respondent No.4 has stated that the petitioner had committed a fraud inasmuch as that he had fabricated a passport.

8. On the other hand, learned counsel for the petitioner has



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placed on record a copy of inquiry report dated 26.08.2017 (Annexure P-8), wherein the following conclusion was recorded:-

“During the course of inquiry, it came to light that Surinder Singh, the younger brother of Satnam Singh son of Sucha Singh, resident of Ballochak, whose earlier name was Bhagwan Singh, had himself got Passport No. A4766112 dated 11-03-1998 prepared in his earlier name Bhagwan Singh, and he himself had applied for the issuance of the said passport. He has since died on 09-07-2017. At the time when this passport was issued, Satnam Singh was residing abroad in Greece, in connection with which he has also produced photocopies of his documents regarding his permanent residence in Greece, which are attached with the report for perusal. The complainant Surinder Singh son of Balkar Singh, resident of Ballochak, and Satnam Singh son of Sucha Singh, resident of Ballochak, were contesting equally against each other for the post of Village Numberdar, and this Numberdari was granted to Satnam Singh on 11-05-2017. Due to this personal rivalry, Surinder Singh filed the complaint against Satnam Singh. The complaint contains no truth.”

8.1 A copy of another inquiry report dated 27.08.2019 (Annexure P-9) has also been placed on record. The said inquiry was conducted by the Assistant Superintendent of Police, Sub Division, Bhulath; the relevant conclusion therein reads as under:

“On the basis of the facts revealed during the inquiry, it was found that Passport No. 476612 dated 11.03.1998, which was issued by the Passport Office, Jalandhar, in the name of Bhagwan Singh son of Sucha Singh, resident of Ballochak, District Kapurthala, date of birth 20.05.1973, was prepared by Bhagwan Singh alias Surinder Singh himself. He has died in an accident on 09.07.2016, and it



was not found that the respondent Satnam Singh son of Sucha Singh, resident of Ballochak, Police Station Begowal, District Kapurthala, had prepared the said passport.

Inquiry regarding the matter mentioned in this application had already been conducted earlier by Shri Gaurav Toora, IPS, the then Assistant Superintendent of Police, Sub Division Bhulath, and as per his inquiry report also, the allegations levelled by the applicant Surinder Singh against the respondent Satnam Singh were not proved.

I have also conducted the inquiry into the matter mentioned in the application deeply and impartially from every angle, and no truth has been found in the allegations levelled against the respondent Satnam Singh. The applicant Surinder Singh has a case of village Nambardari pending against the respondent Satnam Singh, due to which the applicant Surinder Singh keeps filing applications/complaints against him. No further action is required on these applications. Therefore, orders may kindly be issued to file/consign the applications to record.”

9. During the hearing of this writ petition, learned counsel for respondent No.4 was asked as to whether he wants to controvert the above referred report(s) by referring to any material whatsoever; however, learned counsel for respondent No.4 submits that he has nothing to controvert the aforesaid report(s) as such.

10. Keeping in view the fact that the allegation levelled against the petitioner as regards fabricating the passport has been found to be false; accordingly there were no basis for the learned Financial Commissioner to have set aside the petitioner's appointment as Lambardar by observing that there is an allegation of fraud against the petitioner.



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11. That apart, the other ground which has weighed with the learned Financial Commissioner to upset the appointment of the petitioner as the Lambardar was that lower revenue officer recommended the candidature of respondent No.4, which has not been discussed by the learned Collector, while appointing petitioner as the Lambardar.

12. I have considered the aforesaid reasoning made by learned Financial Commissioner as well; however, I am of the considered view that the lower revenue officer(s) can only make a recommendation and it is well settled that recommendation of the lower revenue officer(s) is not binding on the learned Collector and learned Collector is required to apply its own judicious mind to the merits and demerits of the candidates and appoint the most suitable candidate as the Lambardar.

13. In the present case, learned Collector after considering the relevant merits and demerits of the candidates found petitioner as the most suitable candidate as he is more educated than respondent No.4 and also holds more land holding than respondent No.4. Apparently, respondent No.4 is under Matric. In my considered view, once the petitioner was found to be better qualified and even the allegation of fraud levelled against the petitioner was found to be false, I see no illegality or perversity in the order passed by the learned Collector, whereby petitioner (Satnam Singh) was appointed as the Lambardar. Further more, learned Collector's choice was further affirmed by the learned Commissioner.

14. Moreover, the order passed by the learned Financial Commissioner is contrary to the well settled law that in the matter of



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appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible unless there is any patent illegality or perversity therein. The Hon'ble Division Bench of this Court in LPA No. 2217 of 2024 titled as ***Murti Devi Vs. State of Haryana & Ors.***, decided on 09.07.2025; has also 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***”*

15. No other arguments have been urged.
16. In view of the above discussion, the order dated 05.09.2022 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab, is unsustainable in the eyes of the law; and the same is accordingly set aside. Resultantly, the instant writ petition is allowed and order dated 11.05.2017 (Annexure P-1) passed by learned Collector, Jalandhar, appointing the petitioner as Lambardar of Village Balochak, Tehsil Bholath, District Kapurthala; is hereby maintained.
17. All pending application(s), if any, shall also stand closed.

24.04.2026
Pd

(HARSH BUNGER)
JUDGE

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