



CM-18407-CWP-2025;
CM-18408-CWP-2025 in/and
CWP-10056-2016

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

**CM-18407-CWP-2025;
CM-18408-CWP-2025 in/and
CWP-10056-2016
Date of Decision: 20.04.2026**

Gurdev Singh

..... Applicant/Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Y.M. Bhagirath, Advocate
for the applicant/petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

None for respondent No.5.

HARSH BUNGER J. (ORAL)

CM-18407-CWP-2025:

The present application is filed under Section 5 of the Limitation Act read with Section 151 CPC seeking condonation of delay of 373 days in filing the restoration application (**CM-18408-CWP-2025**).

For the reasons mentioned in the application, delay of 373 days in filing the restoration application (**CM-18408-CWP-2025**) is condoned.

Application is disposed of, accordingly.



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CM-18408-CWP-2025:

The present application has been filed under Section 151 of the Code of Civil Procedure seeking restoration of the main case (***CWP-10056-2016***), which was dismissed for non-prosecution on 10.09.2024 by this Court.

Notice of the application.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab, appears and accepts notice on behalf of the non-applicants/respondents-State and raises no objection in case prayer made in the instant application is accepted.

Keeping in view the reasons mentioned in the application and having no objection from learned counsel for the non-applicants/respondents-State, the present application is allowed and the main case (***CWP-10056-2016***) is restored to its original number and status and is taken up for hearing today itself.

CWP-10056-2016:

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *Certiorari* for setting aside the order dated 18.01.2016 (Annexure P-4) passed by the learned Financial Commissioner, Punjab, whereby respondent No.5 (Capt. Mohinder Singh) was appointed as the Lambardar of Village Phalaund Khurd, Tehsil Malerkotla, District Sangrur.

2. Today, learned counsel for the petitioner submits that respondent No.5 has already expired and, therefore, fresh proceedings are required to be initiated for appointment of new Lambardar. He submits that the petitioner would not press this writ petition on merits; however, he makes a limited prayer that he may be permitted to apply afresh in pursuance



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of the fresh proclamation to be carried out in the village for filling up the vacancy, which has arisen on account of demise of respondent No.5.

3. Learned State counsel has although submitted that presently the petitioner would be more than 75 years of age and he was found to be ineligible by the learned Divisional Commissioner, Patiala, on the ground that being a tempo driver, he would not be readily available to the village to discharge the duties of Lambardar; however, he submits that he would have no objection, if the petitioner applies afresh for the post of Lambardar, for which fresh proceedings are liable to be initiated on account of demise of respondent No.5.

4. Keeping in view the above, the present writ petition is dismissed as not pressed; however, petitioner would be at liberty to apply afresh for the post of Lambardar, which has fallen vacant on account of demise of respondent No.5.

4.1 It is made clear that in case the petitioner applies for the aforesaid vacancy, his candidature be considered by the concerned/competent authority on its own merits, without being influenced by the fact that this Court has permitted him to apply afresh for the post of Lambardar.

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

20.04.2026

Pd

**(HARSH BUNGER)
JUDGE**

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