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

**CWP-15310-2023 (O&M)
Date of Decision: 16.01.2026**

Talwinder Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vinay Bajaj, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Monu Loona, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

Prayer in the instant 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 20.03.2023 (Annexure P-5) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of resignation of Sh. Subhash Chander, previous Lambardar of Village Behak Khas, Tehsil and District Fazilka;

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proceedings for filling up the said vacancy were initiated, wherein the present petitioner (Talwinder Singh) and respondent No.4 (Rakesh Kumar) were also the candidates.

2.1. It appears that initially learned Collector, Fazilka vide order dated 31.12.2015 appointed respondent No.4 (Rakesh Kumar) as the Lambardar of Village Behak Khas, Tehsil and District Fazilka. However, on an appeal being filed by the petitioner-Talwinder Singh and another candidate namely Sukhraj Singh, learned Commissioner, Ferozepur Division, Ferozepur vide order dated 30.05.2019, set aside the order dated 31.12.2015 passed by the learned Collector and remanded the matter to the learned Collector for deciding the same afresh.

2.2. Upon remand, the learned Collector, Fazilka vide order dated 05.11.2019 (Annexure P-1) appointed petitioner-Talwinder Singh as the Lambardar of Village Behak Khas, Tehsil and District Fazilka.

2.3. Feeling aggrieved against the order dated 05.11.2019 (Annexure P-1), respondent No.4 (Rakesh Kumar) preferred an appeal before the learned Commissioner, Ferozepur Division, Ferozepur, which was dismissed vide order dated 11.12.2020 (Annexure P-2).

2.4. Being dissatisfied, respondent No.4 preferred a revision petition (ROR-491-2021) before the learned Financial Commissioner (Appeals), Punjab, which came to be allowed vide order dated 20.03.2023 (Annexure P-5), whereby the order dated 05.11.2019 (Annexure P-1) passed by learned Collector and order dated 11.12.2020 (Annexure P-2) passed by the learned Commissioner, Ferozepur Division, Ferozepur, were set aside and respondent No.4 (Rakesh Kumar) was appointed as the Lambardar of Village Behak Khas, Teshil and District Fazilka.

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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, petitioner (Talwinder Singh) was appointed as Lambardar by the learned Collector, Fazilka vide order dated 05.11.2019 (Annexure P-1), which was further affirmed by the learned Commissioner, Ferozepur Division, Ferozepur vide order dated 11.12.2020 (Annexure P-2); however, on a revision petition being filed by respondent No.4 (Rakesh Kumar), the learned Financial Commissioner (Appeals), Punjab, vide order dated 20.03.2023 (Annexure P-5) has set aside the orders passed by learned Collector as well as learned Commissioner and appointed respondent No.4 (Rakesh Kumar) as Lambardar primarily by observing that petitioner (Talwinder Singh) is not available in the village and he is stated to be resident of Fazilka city, therefore, he would not be a right choice for the post of Lambardar on account of his non-availability in the village.

6. A perusal of the order sheets would reveal that while issuing notice of motion in the present case, the operation of the order passed by the learned Financial Commissioner was stayed.

7. As regards the ground on which the petitioner has been non-suited, the learned counsel for the petitioner has placed on record sufficient material by way of voter card, driving licence, arms license, passport, marriage certificate as well as domicile certificate of the petitioner (Annexures P-6 to P-11, respectively), to show that the petitioner is permanent resident of Village Behak Khas. Necessary



pleadings in this regard have been made in paragraph No.15 of the present writ petition. It is further submitted that petitioner has land holding measuring 91 kanals 12 marlas in Village Behak Khas, which is under his self cultivation, therefore, the ground on which the petitioner's appointment has been set aside is untenable and liable to be set aside.

8. It is noticeable that the aforesaid pleadings in paragraph No.15 of the present writ petition have not been specifically denied by respondent No.4. Rather only a vague denial has been mentioned in paragraph No.11 of reply filed on behalf of respondent No.4 by submitting that paras No.14 and 15 of the petition are wrong and denied.

9. In my considered view, the documents placed on record clearly demonstrate that the petitioner is resident of Village Behak Khas and his appointment to the post of Lambardar was wrongly set aside by the learned Financial Commissioner by observing that he is resident of Fazilka City and, therefore, would not be available in the village.

9.1. The other ground on the basis of which petitioner's appointment was set aside is that the lower revenue officers have recommended the candidature of respondent No.4. In my considered view, said finding is also untenable in view of the well established position that recommendations made by the lower revenue officers are not binding on the Collector as they only have a persuasive value, whereas the learned Collector has to apply his judicious mind to appoint a suitable person to the post of Lambardar.

10. I have gone through the Collector's order and in my considered view, petitioner had been rightly appointed as the Lambardar by the learned Collector, which was further affirmed by learned

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Commissioner. Resultantly, the instant writ petition is allowed; the order passed by learned Financial Commissioner is set aside and the order passed by the learned Collector appointing petitioner as the Lambardar, which has been further affirmed by the learned Commissioner; is maintained.

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

16.01.2026*Pd***(HARSH BUNGER)
JUDGE**

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