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CWP-28523-2018 (O&M)

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

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CWP-28523-2018 (O&M)

Date of Decision: 14.05.2026

Subhash Chander

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

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Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Arvind Kashyap, Advocate, for respondent No.4.

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**HARSH BUNGER J. (ORAL)**

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 26.05.2014 (Annexure P-1) passed by the learned Collector, Pathankot as well as the order dated 16.07.2018 (Annexure P-3) passed by the learned Financial Commissioner, (Appeals), Punjab.

1.1. A further prayer has also been made for upholding the order dated 21.12.2016 (Annexure P-2) passed by the learned Commissioner, Jalandhar Division, Jalandhar.

2. Briefly, upon demise of Shri Chhajju Ram, previous Lambardar of village Dhar Kalan, Tehsil Dhar Kalan, District Pathankot; proceedings for filling up the said vacancy were initiated.

2.1 It appears that vide order dated 26.05.2014 (Annexure P-1),



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learned Collector, Pathankot appointed respondent No.4 (Jarnail Singh) as Lambardar of village Dhar Kalan, Tehsil Dhar Kalan, District Pathankot, primarily relying upon the recommendations of the Assistant Collector in his favour. It is noticeable that the learned Collector did not apply his mind to the merits and demerits of the candidates, nor the factors envisaged under the Rule 15 of the Punjab Land Revenue Rules 1909 (in short '1909 Rules') were considered while making such appointment in favour of respondent No.4.

2.2 Feeling aggrieved against the aforesaid order dated 26.05.2014 (Annexure P-1), the present petitioner (Subhash Chander) preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, who vide order dated 21.12.2016 (Annexure P-2), set aside the learned Collector's order and remanded the case to the learned Collector, Pathankot, with a further direction to appoint the present petitioner as Lambardar.

2.3 Still aggrieved, respondent No.4—Jarnail Singh preferred an appeal (ROA No.10 of 2017) before the learned Financial Commissioner (Appeals), Punjab, which came to be allowed vide order dated 16.07.2018 (Annexure P-3), whereby the learned Financial Commissioner maintained the order passed by the learned Collector.

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

4. During the course of hearing of this petition, learned counsel appearing for the respective parties have arrived at a broad consensus that, in fact, the present case regarding appointment of Lambardar requires to be re-looked at the hands of the learned Collector, Pathankot as the relevant consideration as envisaged under Rule 15 of 1909 Rules have not been adhered to, while making appointment of Lambardar by any of the authority



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below.

5. Considering the aforesaid broad consensus arrived at between learned counsel for the respective parties and also finding that the relevant considerations to be kept in view while appointing a Lambardar have not been taken into considerations by the authorities below, the order dated 26.05.2014 (Annexure P-1) passed by the learned Collector, Pathankot; order dated 21.12.2016 (Annexure P-2) passed by the learned Commissioner as well as the order dated 16.07.2018 (Annexure P-3) passed by the learned Financial Commissioner, are set aside and the matter is remitted to the learned Collector, Pathankot for deciding the matter afresh, within a period of three months from the date of appearance of the parties before the learned Collector, Pathankot, after affording due opportunity of hearing to the parties.

6. The parties are directed to appear either personally or through their respective counsel(s) before the learned Collector, Pathankot, on 25.05.2026 or any other date as may be fixed by the learned Collector.

6.1 It is made clear that the learned Collector, Pathankot, shall decide the matter purely on merits and demerits of the candidates, without being influenced by anything observed in the earlier orders passed by the learned Collector, learned Commissioner as well as learned Financial Commissioner.

7. The present writ petition is disposed of in the aforestated terms.

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

**14.05.2026**

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**(HARSH BUNGER)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No