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CWP-26324-2021 (O&M)

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

CWP-26324-2021

Date of decision: May 14, 2026

VASDEV SINGH

....Petitioner

Versus

FINANCIAL COMMISSIONER, PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kanwal Goyal, Advocate for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Amandeep Singh Gill, Advocate for respondent No. 4.

HARSH BUNGER, J. (ORAL)

1. Prayer in the instant 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 30.04.2018 (Annexure P-4) passed by the learned Commissioner, Jalandhar Division Jalandhar and order dated 24.05.2021 (Annexure P-6) passed by learned Financial Commissioner (Appeals), Punjab.

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2. Briefly, upon demise of Sh. Gurbachan Singh, previous Lambardar (SC) of village Marula, Tehsil Garhshankar, District Hoshiarpur, proceedings were initiated for filling up the vacancy, wherein the present petitioner (Vasdev Singh) and respondent No.4 (Davinder Singh) were also the candidates.

2.1. Learned District Collector, Hoshiarpur, appointed present petitioner (Vasdev Singh) as Lambardar (S.C.) of village Marula, Tehsil Garhshankar, District Hoshiarpur, vide order dated 16.02.2016 (Annexure P-3), by observing as under:-

“ I have read the file pertaining to this case very carefully. Heard the candidates personally. Candidate Malkiat Singh is 69 years old and is more aged than other candidates. Although the age of candidate Davinder Singh might be less he is doing work of vegetable vendor and remains outside the village for most of the time. Candidate Darshan Singh is although son of Lambardar but his age is on the higher side and he is less educated. He does not have experience of Lambardari work. Candidate Vasdev Singh is aged 43 years and has studied upto 10th class. He is ex-Samiti member. He is member of Doaba Sports Club and is a member of Sikh Welfare Committee. He has a Karyana store in the Village and resides in the Village itself. He can meet the public easily. Sub Divisional Magistrate Garhshankar has also recommended him for being appointed as Lambardar. Therefore Shri Vasdev Singh son of Sardul Singh is hereby appointed as Lambardar of Village Marula, Tehsil Garhshankar District Hoshiarpur. Order has been pronounced. File be consigned to the record room after compliance.”

2.2. Feeling aggrieved against the aforesaid order dated 16.02.2016 (Annexure P-3), respondent No.4 (Davinder Singh) preferred an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which was allowed

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vide order dated 30.04.2018 (Annexure P-4) and respondent No. 4 (Davinder Singh) was appointed as Lambardar of village Marula, Tehsil Garhshankar, District Hoshiarpur.

2.3. Feeling dissatisfied, petitioner (Vasdev Singh) preferred a revision petition (ROR 751 of 2018) before the learned Financial Commissioner (Appeals), Punjab, which has been dismissed vide the impugned order dated 24.05.2021 (Annexure P-6) and order dated 30.04.2018 (Annexure P-4) passed by learned Commissioner has been affirmed.

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

4. Learned counsel appearing for the petitioner submits that learned Commissioner has erred in law and fact in setting aside the appointment of petitioner as Lambardar without appreciating the settled law that in the matter of appointment of Lambardar, choice of learned Collector is not lightly to be interfered with. It is further submitted that the learned Commissioner has wrongly non-suited the petitioner on the ground that the petitioner was involved in a criminal case under SC/ST Act. In view of the aforesaid submissions, prayer has been made for setting aside order dated 30.04.2018 (Annexure P-4) passed by the learned Commissioner as well as order dated 24.05.2021 (Annexure P-6) passed by the learned Financial Commissioner and for maintaining order dated 16.02.2016 (Annexure P-3) passed by the learned Collector.

5. On the other hand, learned counsel for respondent No.4 has opposed the aforesaid contentions raised on behalf of the petitioner by submitting that the learned Collector had wrongly appointed the petitioner as

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Lambardar without considering the relative merits and demerits of the candidates. It is submitted that respondent No. 4 is more meritorious than the petitioner inasmuch as that respondent No. 4 is younger in age and more educated than the petitioner. Learned counsel further submits that the learned Collector had wrongly non-suited respondent No. 4 only by observing that he is doing the work of vegetable vendor. Mr. Gill, learned counsel for respondent No. 4 submits that the order passed by the learned Collector was clearly perverse as relevant considerations as described under Rule 19-B of Punjab Land Revenue Rules (in short – ‘the Rules’) regarding appointment of Scheduled Caste Lambardar were not taken into consideration by the learned Collector. Accordingly, the learned Commissioner after duly appreciating the better merits of respondent No. 4 and also the relevant rules, rightly appointed respondent No. 4 as Lambardar. He submits that appointment of respondent No. 4 as Lambardar by the learned Commissioner has been further affirmed by the learned Financial Commissioner. With the aforesaid submissions, prayer has been made for dismissal of the writ petition.

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

7. Evidently, petitioner was appointed as Lambardar by the learned Collector. However, learned Commissioner has set aside the petitioner’s appointment vide order dated 30.04.2018 (Annexure P-4), by observing as under:-

“ I have considered the arguments advanced by ld. counsel for the parties and have gone through the record received in the case and papers brought on the file. I find that the appellant Davinder

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Singh has more merits than the respondent. He is more educated, younger in age and no criminal case is against the appellant. One of the main grounds of rejection of applicant Davinder Singh by the Collector was that he sells vegetables and is not available. I find this to be untenable. Man has got to earn his livelihood somehow and cannot rely only on nambardari for the same. Thus, if one takes up some business or trade or vocation which is a bread-earner for him and his family, it cannot be taken as a disqualification, especially when it would not otherwise affect the normal duties and responsibilities qua the nambardari. Rather, even the respondent is admittedly running a karyana store in the village, and I expect him to be occupied full-time in running his store. The appellant is otherwise admittedly more educated and younger than the respondent. Further still, there is a serious matter of criminal complaint under s. 3(x) of SC/ST (Prevention of Atrocities) Act, and ss. 324, 323, 342, 506/34 IPC pending against respondent. In view of all this, I hold that the impugned orders dated 16.2.2016 are illegal and perverse on facts, and set aside the same. The appeal is accepted, and the appellant Davinder Singh s/o Gurdev Singh is appointed as nambardar of village Marula, Tehsil Garhshankar, Distt. Hoshiarpur.

Appeal accepted. File be consigned to record room after usual formalities. Copy of this order be sent to the District Collector, Hoshiarpur.”

8. Learned Commissioner's order dated 30.04.2018 has been further affirmed by the learned Financial Commissioner vide order dated 24.05.2021 (Annexure P-6), by observing as under:-

“ I have heard counsels for both the parties and have given thoughtful consideration to the arguments and evidence put up by them. On perusal of the case and relevant orders of the lower court, I find that although the District Collector has appointed the



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respondent as Lambardar, but there are evidence on record which shows that the petitioner is not having a clean record as Criminal complaint No.3131/2013 titled as 'Amrik Singh Versus Vasudeva and another under section 3 (x) of SC&ST (Prevention of Atrocities) Act and u/s 342,323,506/34 IPC is pending against the petitioner before the Court of Judicial Magistrate 1st Class, Hoshiarpur. Therefore, I do not find any reason to interfere with the order dated 30.04.2018 passed by the Commissioner, Jalandhar Division, Jalandhar. No doubt, Collector is the appointing authority of the Lambardar but it is the duty of the Collector to appoint such person in the office of Lambardar, who is having a clean record and is competent to carry out the duties of the Lambardar. As per Rule 15 of the Punjab Land Revenue Rules, 1908 (applicable to the Punjab), at the time of appointment of the Lambardar, regard shall be had to various factors including such as clean image etc. The Collector has to take a decision about the suitability of the person who can serve the inhabitants of the village in a better way and who enjoys the faith of the people. But the District Collector has ignored the fact of criminal antecedents of the petitioner while appointing him as Lambardar. The Hon'ble High Court in the case titled as Mohinder Pal versus The Financial Commissioner, Haryana & others reported as 2013 (3) L.A.R.95 (P&H), has held that "Endeavour of the revenue authorities should be to appoint a person of clean image and most suitable out of the contesting candidates". The ruling cited by the petitioner is applicable to the facts of the present case. Therefore, I am of the view that the order dated 30.04.2018 passed by the Commissioner, Jalandhar, Division Jalandhar legally correct and he has rightly set aside the order of the District Collector.

7. Resultantly, the present revision petition is dismissed and the orders of the Commissioner dated 30.04.2018 are upheld. Copy



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of this order be communicated to the courts below. File be consigned to the record.”

9. Before this Court, it is not disputed that respondent No. 4 is slightly younger in age than the petitioner inasmuch as the petitioner was aged about 43 years and respondent No. 4 was aged about 39 years (as noticed by the learned Collector). It is also not disputed that respondent No. 4 is more educated (being 10+2) than the petitioner, who is stated to have studied only upto Matric. Clearly, respondent No. 4 has an edge over the petitioner. Since present case pertains to appointment of S.C. Lambardar, relevant considerations to be kept in view while making appointment of S.C. Lambardar, are contained in Rule 19-B(i) of the Rules which read as under:-

“19B. Notwithstanding any thing to the contrary contained elsewhere in these rules, where the population of Harijans, or members of the Scheduled Castes including Christians, as ascertained at the last preceding census is 100 or more in an estate, there shall be appointed additional headman from amongst the Harijans or members of Scheduled Caste including Christians, subject to the following conditions :-

(i) In appointing the headman, regard shall be had among other matters, to –

(a) services rendered to the State by himself or by his family;

(b) his personal influence, character, ability and freedom from indebtedness....”

10. When the order passed by the learned Collector is considered on the touchstone of the provisions contained in Rule 19-B(i) of the Rules, it would be apparent that better merits of respondent No. 4 were completely brushed aside

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by the learned Collector by merely observing that respondent No. 4 is a vegetable vendor. In my considered view, a candidate for Lambardar is not expected to be an idle person. I would also agree with the following observations made by learned Commissioner:

“Man has got to earn his livelihood somehow and cannot rely only on nambardari for the same. Thus, if one takes up some business or trade or vocation which is a bread-earner for him and his family, it cannot be taken as a disqualification, especially when it would not otherwise affect the normal duties and responsibilities qua the nambardari. Rather, even the respondent is admittedly running a karyana store in the village, and I expect him to be occupied full-time in running his store.”

11. In my considered view, order dated 16.02.2016 (Annexure P-3) passed by the learned Collector was apparently perverse and the same has been rightly set aside by the learned Commissioner vide order dated 30.04.2018 (Annexure P-4) and the order passed by the learned Commissioner has been rightly affirmed by the learned Financial Commissioner vide order dated 24.05.2021 (Annexure P-6).

12. In view of the aforesaid facts and circumstances, I see no illegality or perversity in order dated 30.4.2018 (Annexure P-4) passed by the learned Commissioner as well as in order dated 24.05.2021 (Annexure P-6) passed by the learned Financial Commissioner, which may call for any interference by this Court.



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13. Resultantly, present writ petition fails and the same is, accordingly, dismissed.

14. All pending application(s), if any, shall also stand disposed of.

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rts

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No