

(2026) 08 P&H CK 5067
In the Punjab And Haryana At Chandigarh
Case No : CWP-3850-2024 & CWP-3866-2024

Paramjit Singh

APPELLANT

Vs

Financial Commissioner (Appeals) Punjab & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

IPC — Section 354

Citation : (2026) 08 P&H CK 5067

Hon'ble Judges : Pankaj Jain, J

Bench : Single Bench

Advocate : Mr. Sherry K. Singla, Advocate, Mr. Amit Shukla, DAG, Punjab, Mr. Manoj Tanwar, Advocate, Mr. A.S. Saini, Advocate

Judgement

PANKAJ JAIN, J. (Oral)

1. These two writ petitions are directed against order dated 14.12.2023 (P-5) passed by Financial Commissioner (Appeals), Punjab.

2. The dispute between the parties relates to appointment to the post of Lambardar. District Collector, Rupnagar vide order dated 23.11.2020 (P-1) appointed the petitioner in CWP-3850-2024 as Lambardar of village Nangal, Teshil Sri Anandpur Sahib, District Rupnagar observing as under:-

"xx xx xx After considering the record available on the file very minutely and after hearing the counsel / candidates, it is found that candidate Sh. Paramjit Singh is a son of deceased Nambardar and he has done as Sarbra Nambardar for a period of almost about 3 years. As per Naksh Nambardari, he is also having more land than the other candidates. He is also having a hereditary claim. He has also done blood donation on various occasions and is a social worker. Candidate Sh. Baljit Singh is a young person but there is an objection against him that his wife working as a Teacher at Himachal Pradesh and he is having a small child due to which he do not reside in the village and he is residing alongwith his wife at Himachal Pradesh, due to which he will not be available to the residents of the village. Candidate Sh. Baghel Singh is in advanced age and there is an objection against him that he has used abusive language against Smt. Javir Kaur and later on the matter was got compromised. An FIR No. 14 was registered against the

candidate Sh. Paramjit Singh but he has been acquitted in the said case. The complaint which has been filed by Smt. Amandeep Kaur against him, thus, the Hon'ble Court has not held him guilty till date in the said complaint and as per the report of DSP, Sri Anandpur Sahib, the allegations were not proved. The Lower Courts (Sub-Divisional Magistrate, Sri Anandpur Sahib / Naib Tehsildar, Nurpur Bedi) while considering him to be a suitable and matured candidate have recommended the name of Paramjit Singh for the post of Nambardar. Therefore, while agreeing with the recommendations/reports made by Sub-Divisional Magistrate, Sri Anandpur Sahib / Naib Tehsildar, Nurpurbedi candidate Sh. Paramjit Singh son of Sh. Anokh Singh is hereby appointed as new Nambardar of village Nangal, Hadbast No. 431, Tehsil Sri Anandpur Sahib, District Rupnagar on the post of his father deceased Nambardar Sh. Anokh Singh son of Sh. Nirmal Singh."

3. The unsuccessful candidates filed two separate appeals before the Commissioner. Divisional Commissioner vide order dated 29.04.2022 (P-3) took cognizance of the fact that the petitioner is facing criminal proceedings and set aside the order passed by Collector remanding the case for fresh decision observing as under:-

"xx xx xx On the perusal of the record available on the file and after hearing the arguments of the Ld. Counsel for the parties, it is found that there is an allegations against the respondent that there is an FIR registered against him for illegal mining and Smt. Amanpreet Kaur has also filed a complaint against him under Section 354 IPC and he has illegally encroached upon the panchayat land. The appellant Baghel Singh is more educated but there is an allegation of using abusive language with Smt. Jasvir Kaur. The main allegation against the appellant Baljit Singh is that his wife is working as a Government Teacher at Himachal Pradesh and he is having one younger son also and therefore, he is residing with his wife at Himachal Pradesh for taking care of them at village Rajpura, Near Nalagarh and therefore, he will not be available to the residents of the village for doing their work and therefore, he will not be available in the village. In this case, the allegations which is being leveled by both the appellants and the respondent against each other is required to be considered. Therefore, I hereby remand this case to the Deputy Commissioner-cum-District Collector, Rupnagar with the direction to pass fresh order after considering all the contentions raised by the Ld. counsel for the parties carefully and on the basis of the merits of the case."

4. The aforesaid order has been upheld by respondent No.1 in two separate revisions preferred by the petitioner.

5. Counsel for the petitioner is not in a position to dispute that the petitioner is facing FIR No.14 qua illegal mining and also a private complaint alleging offence punishable under Section 354 IPC.

6. In view thereof, this Court finds no reason to interfere in the order passed by Financial Commissioner, affirming the order passed by Divisional Commissioner for directing the Collector to take fresh decision evaluating comparative merits of the candidate. While doing so, the Collector shall also keep in mind ratio of law laid down by Division Bench of this Court in **Karnail Singh Vs. The State of Haryana & ors., 1973 SCC Online P&H 187**, wherein the hereditary claim has been held to be unconstitutional.

7. Accordingly, the writ petitions are dismissed.

8. A photocopy of this order be placed on the file of other connected case.