

CWP No.14737 of 2014

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

CWP No.14737 of 2014
Date of decision: 18.08.2015

Hari Singh

....Petitioner

Versus

Financial Commissioner, Revenue, Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Vishal Aggarwal, Advocate, for the petitioner.
Mr. Suresh Singla, Addl. A.G., Punjab.
Mr. R.S. Manhas, Advocate, for respondent No.2.

PARAMJEET SINGH, J. (ORAL)

Instant civil writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 03.10.2013 (Annexure P-4) passed by respondent No.1 – Financial Commissioner, Revenue, and for restoration of order dated 24.04.2008 (Annexure P-3) passed by Commissioner, Jalandhar Division, Jalandhar, whereby petitioner was appointed as Lambardar of the village.

Brief facts of the case are that to fill up the vacancy caused on account of death of Gura Singh, Lambardar of village Kauntarpur, District Pathankot, applications were invited from interested persons by making publication/proclamation in the village after obtaining necessary

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sanction from the Collector. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found Kuldip Singh – respondent No.2 to be fit and suitable candidate and order dated 21.08.2007 (Annexure P-2) appointed him as Lambardar of the village. Aggrieved against the order of the Collector, petitioner – Hari Singh filed an appeal before the Commissioner. The Commissioner vide order dated 24.04.2008 (Annexure P-3) allowed the appeal of the petitioner, set aside the order passed by Collector and appointed petitioner as Lambardar of the village. Against the order of the Commissioner, respondent No.2 filed revision before the Financial Commissioner, which has been allowed vide order dated 03.10.2013 (Annexure P-4), order of the Commissioner has been set aside and case has been remanded back to the Collector for fresh decision by disregarding hereditary claim. Hence, instant writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner is aggrieved only of the observation made by the Financial Commissioner whereby hereditary claim of the petitioner has been ordered to be discarded.

Without commenting upon the merits of the order dated 03.10.2013 (Annexure P-4) passed by respondent No.1 – Financial Commissioner, Revenue, present writ petition is disposed of with a direction that Collector shall also take into consideration the hereditary

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claim of the petitioner, however, it will not be considered as a sole ground for appointment of Lambardar. Collector shall also take into consideration the claim of respondent No.2 to be ex-serviceman while considering the comparative merits of the parties, as he has rendered service to the State. After considering the comparative merits of the candidates, Collector shall pass a speaking order. Parties through their counsel are directed to appear before the Collector on 18.9.2015.

August 18, 2015
R.S.

(Paramjeet Singh)
Judge