

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 17325 of 2015

Date of Decision: November 19, 2015

Mittar Sain

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sanjay Mittal, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana,

Mr. R.D. Yadav, Advocate,
for caveator-respondent No.4.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 26.09.2012 (Annexure P/1) passed by respondent no.3 – District Collector, Rewari, appointing respondent no.4 – Vikram Singh as Lambardar of Village Kalaka, Tehsil and District

Rewari and order dated 30.10.2014 (Annexure P/3) passed by the

Financial Commissioner, Haryana.

Brief facts of the case are that to fill up the vacancy caused on account of death of Deep Chand, previous Lambardar of Village Kalaka, Tehsil and District Rewari, applications were invited from the interested persons by making proclamation in the village. The Collector, after appreciating the comparative merit of the candidates found Vikram Singh - respondent no.4 to be fit and suitable candidate and vide order dated 26.09.2012 (Annexure P/1) appointed him as Lambardar of the village. Said finding was reversed by the Commissioner, Gurgaon Division, Gurgaon, vide order dated 28.11.2013 (Annexure P/2) and directed to enquire into the allegations against respondent no.4 – Vikram Singh. Against order (Annexure P/2), respondent no.4 preferred an R.O.R. before the Financial Commissioner. Vide order dated 30.10.2014 (Annexure P/3), the Financial Commissioner set aside the order of the Commissioner and affirmed order (Annexure P/1) passed by the Collector. Hence, instant writ petition.

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

The sole argument before this Court by the learned counsel for the petitioner is that certificate (Annexure P/4) produced by respondent no.4 – Vikram Singh is forged and fabricated document. He

does not have the required qualification.

Vide order dated 27.08.2015, this Court passed the following order:-

“Original of document (Annexure P-4) has been produced by the caveator which is ordered to be sealed and placed on record. Since there are allegations that Annexure P-4 is a forged and fabricated document, this Court deems it fit that some officer of the Vigilance Department, Haryana be appointed to get verified the authenticity of this document and also to know as to whether the institution which issued this document, is in existence or not.

Petitioner is directed to deposit Rs.10,000/- with the Registrar of this Court within a period of one week.

Adjourned to 07.09.2015.”

Vide order dated 07.09.2015, this Court directed the Registry of this Court to hand over the original document to Inspector Ramesh Chander, State Vigilance Bureau, Haryana, Panchkula for verifying the authenticity of the same. Inspector Ramesh Chander after verifying the fact, has submitted his report in a sealed cover. Today, when this case was taken up in earlier part of the day, the sealed envelope containing the inquiry report submitted by Inspector Ramesh Chander, State Vigilance Bureau, Haryana was opened and photocopy of the same was also supplied to learned counsel for the petitioner as well

From the perusal of inquiry report, it is clear that original of Annexure P/4 which was handed over to Inspector Ramesh Chander, has been found to be forged and fabricated document. Conclusion of inquiry report submitted by Inspector Ramesh Chander is as under:-

“According to my inquiry, Scholar Register & Transfer Certificate Form Register No. 1598, Transfer Certificate file No. 2/88-89 has been found to be forged document.”

In view of above, impugned order dated 30.10.2014 (Annexure P/3) passed by the Financial Commissioner is set aside. As a consequence of this, order dated 28.11.2013 (Annexure P/2) passed by the Commissioner, Gurgaon Division, Gurgaon stands revived. Since the Commissioner has already remanded the case to the District Collector with direction to enquire into all the allegations alleged against respondent no.4 – Vikram Singh, no order is required to be passed by this Court in this regard. The Collector is directed that he should consider the merit of the petitioner vis-a-vis other candidates and pass fresh order. The Collector will be at liberty to proceed against respondent no.4 in accordance with law for producing false document on the basis of which favourable order has been obtained. Registry is directed to send copy of the inquiry report submitted by Inspector Ramesh Chander, State Vigilance Bureau, Haryana, Panchkula and the original of document

the appropriate action including initiation of criminal proceedings.

Parties are directed to appear before the District Collector,
Rewari, on 14.12.2015.

Disposed of accordingly.

November 19, 2015
vkd

[Paramjeet Singh]
Judge