

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

CWP No. 717 of 2014

Date of decision : 11.02.2015

Ashok Kumar

....Petitioner

V/s

Financial Commissioner (Revenue), Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vinod Khunger, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Pb.

Mr. S.K. Arora, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioner has sought a writ in the nature of certiorari for quashing orders, Annexures P4 and P6 passed by District Collector, Ferozepur and Financial Commissioner (Revenue) Punjab respectively.

Learned counsel for the petitioner has argued that both the orders are unsustainable. Commissioner had appreciated the entire controversy in right perspective. Financial Commissioner erred in setting-aside the well considered order passed by Commissioner.

Plea has been opposed by counsel representing respondents.

I have heard learned counsel for the parties.

It appears that after death of Baga Ram, lambardar of village Salem Shah, post of lambardar fell vacant. Process was

initiated for filing up the post. Four candidates applied. Petitioner applied after the prescribed date. He alleged that proclamation had not been conducted in the village in a proper manner. Collector ordered an inquiry into the matter. He directed Sub Divisional Magistrate to inquire into the matter. As a result, report was sought from Halqa Patwari. However, Halqa Patwari on his own conducted another proclamation on 23.05.2009. Petitioner submitted his application pursuant to same. District Collector found that proclamation made by Halqa Patwari was without any authority of law as the same was not directed by him. He held that petitioner could not be considered for the post of lambardar as he had not submitted his application well in time before initial proclamation. Petitioner challenged the said order before Commissioner who accepted the plea. Respondent no. 5 impugned the order before Financial Commissioner on the ground that only District Collector could direct fresh proclamation in the village. Financial Commissioner came to the conclusion that second proclamation pursuant to which petitioner submitted his application, was not sustainable as same had not been ordered by the Collector. I find no infirmity with the conclusion arrived at by the Financial Commissioner. It is clear from the record that last date for submitting application pursuant to initial proclamation was 20.02.2009. Petitioner did not apply well in time. On his application, an inquiry was ordered. However, Halqa Patwari on his own conducted a fresh proclamation pursuant to which petitioner submitted a fresh application. Admittedly, this was without any order passed by the Collector. Thus, no fault can be found with the

conclusion of the Financial Commissioner that subsequent proclamation could not be sustained. There is, thus, no ground to interfere with orders, Annexures P4 & P6. Dismissed.

February 11, 2015

Ajay

(RAJAN GUPTA)
JUDGE