

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1474 of 2015 (O&M)
Date of decision: October 07, 2015.

Mohinder Singh

... **Appellant**

v.

State of Punjab and others

... **Respondents**

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

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Kaisth Ganeriwala, Advocate, for the appellant.

Hemant Gupta, J. (oral)

Present letters patent appeal under Clause X of the Letters Patent is directed against an order passed by a Single Bench of this Court on 4.9.2015 whereby the writ petition filed by the appellant challenging the appointment of Gurdeep Singh as Lambardar of village Bangi Ruldu, Tehsil Talwandi Sabo, District Bathinda was not interfered with.

The process of filling up the vacancy of Lambardar of the village after the death of Balwant Singh Lambardar was initiated. The appellant is the son of deceased Balwant Singh. The appellant as well as respondent No.5 – Gurdeep Singh were the applicants seeking appointment as Lambardar. The Collector appointed respondent No.5 as Lambardar on 4.12.2012. Such order was affirmed in appeal by the Commissioner on

21.8.2013 and the Financial Commissioner, Revenue, Punjab on 5.5.2015.

The writ petition stands dismissed on 4.9.2015. Still aggrieved, the appellant has filed the preset appeal.

We find that the process of appointment of Lambardar cannot be permitted to be disputed in the present letters patent appeal when the consistent finding of all the authorities is against the appellant.

The only argument raised is that Gurdeep Singh was facing criminal trial when the Collector appointed him as Lambardar though the trial ended in acquittal but after the decision of the Collector.

We do not find any merit in the said argument. The acquittal in a criminal case will not be effective from the date such order was passed. The acquittal has the effect that the proceedings in criminal trial itself were not proper. Therefore, the acquittal of respondent No.5 after the decision of the Collector is not a ground on which appointment of Gurdeep Singh as Lambardar cannot be interfered with in the present appeal.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

October 07, 2015.
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