

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.1361 of 2009
Date of decision:24.10.2016**

Charan Singh and others

...Petitioners

Versus

Financial Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vikas Singh, Advocate for the petitioners.
Mr.Yatinder Sharma, Addl.A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the parties are *ad idem* that the present writ petition is squarely covered against the petitioners vide three identical orders of even date, i.e. 13.2.2009 passed by this Court in different writ petitions bearing CWP No.2376 of 2009 (Hardyal Singh Vs. Financial Commissioner, Punjab and others), CWP No.2375 of 2009 (Surjan Singh Vs.Financial Commissioner, Punjab and others) and CWP No.2391 of 2009 (Ram Singh & others Vs. Financial Commissioner, Punjab and others)).

Order passed by this Court in **Hardyal Singh's** case (supra), reads as under:-

“The primary grievance of the petitioners is that the Commissioner was not competent to review his order and to remand the case to the Assistant Collector. As per the counsel, he could only have made a reference to the Financial Commissioner for decision.

The order passed by the commissioner was challenged before the Financial Commissioner on this ground. The Financial Commissioner has held this legal position to be correct. He, however, has declined to interfere on the ground that during the interim period, some fresh decision of the civil

court has come, which may require re-examination of the case afresh at the level of the Assistant Collector Ist Grade. Perhaps, in order to avoid delay, he has up-held the order passed by the Commissioner remanding the case to Assistant Collector Ist Grade to decide afresh. This approach of the Financial Commissioner can be said to be fair, just and legal. This would not call for interference in the exercise of writ jurisdiction. Financial Commissioner has not upset the legal position in any manner, which would need correction by issuing writ.

Dismissed.

Counsel for the petitioners has referred to an order of admission passed in Civil Writ Petition Nos.1361 of 2009. That writ petition would meet the same fate as and when listed. Let CWP No.1361 of 2009 be set down for hearing on 30.3.2009.”

In view of the above-said order passed by this Court, the present writ petition is also dismissed.

24.10.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No