

**CWP-20274-2012 and
CWP-9379-2013**

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

Date of Decision: 27.04.2016

1. CWP-20274-2012

Dalbir Singh

... Petitioner(s)

Versus

The Financial Commissioner, Social Security, Punjab and others

... Respondent(s)

AND

2. CWP-9379-2013

Surjeet Singh

... Petitioner(s)

Versus

Financial Commissioner, Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 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. R.S.Chauhan, Advocate for
the petitioner in CWP-20274-2012 and
for respondent No.4 in CWP-9379-2013.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Mr. K.S.Cheema, Advocate,
for respondent No.4 in CWP-20274-2012 and
for the petitioner in CWP-9379-2013.

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Paramjeet Singh Dhaliwal, J. (Oral)

This order shall dispose of CWP-20274-2012 and CWP-9379-2013 as common questions of fact and law are involved in both the petitions.

CWP-20274-2012 has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 27.07.2012 (Annexure P-5) passed by respondent No.1-Financial Commissioner, Social Security, Punjab whereby order dated 07.01.2010 (Annexure P-4) passed by the Commissioner, Jalandhar Division, Jalandhar and order dated 07.10.2008 (Annexure P-2) passed by District Collector, Hoshiarpur have been set aside and matter has been remanded to the District Collector, Hoshiarpur to initiate fresh proceedings for appointment of Lambardar of village Bagroi.

CWP-9379-2013 has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 07.10.2008 passed by the Collector, Hoshiarpur, appointing respondent No.4 as Lambardar, order dated 07.01.2010 passed by the Additional Commissioner (Appeals), Jalandhar Division, Jalandhar whereby appeal preferred by Surjeet Singh has been dismissed, order dated 27.07.2012 passed by the Financial Commissioner whereby the matter has been remanded to the District Collector, Hoshiarpur to initiate fresh proceedings and the order dated 22.03.2013 passed by the Financial Commissioner whereby review

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petition filed by Surjeet Singh has been dismissed.

Before proceeding further, a brief reference to the facts is necessary which are being extracted from CWP-20274-2012.

Brief facts of the case are to the effect that to fill up the vacancy caused on account of death of Sain Dass, Lambardar of village Bagroi, Tehsil Mukerian, District Hoshiarpur, applications were invited from the interested persons by making proclamation in the village after obtaining necessary sanction from the Collector. In furtherance of proclamation, five persons including the petitioner and respondent Nos.4 and 5 submitted their applications out of which two candidates withdrew their candidature and ultimately the petitioner and respondent Nos.4 and 5 left in the fray. The Collector after appreciating the comparative merit of the candidates found petitioner-Dalbir Singh to be fit and suitable candidate and vide impugned order dated 07.10.2008 (Annexure P-2) appointed him as Lambardar of the village. Feeling aggrieved, respondent No.4 preferred appeal before the Additional Commissioner (Appeals), Jalandhar Division, Jalandhar which has been dismissed vide order dated 07.10.2010 (Annexure P-4). Against that, respondent No.4 preferred revision before the Financial Commissioner which has been disposed of vide impugned order dated 27.07.2012 whereby the orders dated 07.10.2008 (Annexure P-2) and 07.10.2010 (Annexure P-4), appointing the petitioner as Lambardar, have been set aside and matter has been remanded to the District Collector, Hoshiarpur to initiate fresh proceedings. Hence, this writ petition.

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

Learned counsel for the petitioner in CWP-20274-2012 and for respondent No.4 in CWP-9379-2013 and learned counsel for the petitioner in CWP-9379-2013 and for respondent No.4 in CWP-20274-2012 state that since both the parties are aggrieved against the impugned order dated 27.07.2012, therefore, they have no objection if the same is set aside.

In view of the consent given by learned counsel for the parties and without going into further merits of the case, this Court is of the considered view that for the reasons mentioned above, the impugned order dated 27.07.2012 (Annexure P-5) passed by respondent No.1-Financial Commissioner cannot be sustained. Accordingly, the order dated 27.07.2012 (Annexure P-5) is set aside and matter is remanded to respondent No.1-Financial Commissioner, Social Security, Punjab with a direction to decide the matter afresh, in accordance with law, after affording opportunity of hearing to the parties. Parties through their counsel are directed to appear before respondent No.1 on 16.05.2016.

Disposed of in the aforementioned terms.

27.04.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge