

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

Civil Writ Petition No. 14293 of 2016

Date of Decision: 21.7.2016

Dilbagh Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. A.S. Walia, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 26.4.2016 (Annexure P-10) passed by the Financial Commissioner, Punjab, petitioner has approached this Court by way of present writ petition under Article 226/227 of the Constitution of India seeking a writ in the nature of Certiorari for quashing the impugned order.

It is an undisputed fact situation on record that when the applications for filling up the post of Lambardar were invited, petitioner applied for the same. Respondent No.5 also applied but allegedly after the last date for submission of applications. However, District Collector found respondent No.5 to be the most deserving candidate for the post of Lambardar and accordingly, he was appointed as such, vide order dated

9.7.2012 (Annexure P-8). Petitioner challenged the abovesaid order dated 9.7.2012 before the Commissioner, Patiala Division, who dismissed the appeal of the petitioner vide order dated 22.1.2013 (Annexure P-9). Thereafter, petitioner filed revision petition which was accepted by the Financial Commissioner vide order dated 26.4.2016 (Annexure P-10), setting aside the orders passed by the Collector as well as by Divisional Commissioner remanding the case to the Collector with a direction to invite fresh applications for the post of Lambardar and decide the case, in accordance with law.

It is not the case of the petitioner that he was found most suitable for the post of Lambardar by the Collector-appointing authority. On the other hand, it was respondent No.5 who was appointed by the Collector and his appointment was upheld by the Commissioner as well. Said appointment of respondent No.5 came to be set aside by the Financial Commissioner by way of impugned order dated 26.4.2016 (Annexure P-10).

In fact, whole case of the petitioner is based on technicality alone to the effect that although respondent No.5 did not apply well in time yet he was appointed. It has been further submitted on behalf of the petitioner that once the appointment of respondent No.5 has been rightly set aside by the Financial Commissioner, petitioner ought to have been appointed as Lambardar, he being the only suitable candidate left in the field. However, said argument raised by learned counsel for the petitioner has not been found worth acceptance. It is so said because it would be in the fitness of things that all the eligible candidates should be granted another opportunity to apply for the post of Lambardar.

In compliance of the impugned order passed by the Financial

Commissioner, petitioner would also be entitled for applying for the post in question. In this view of the matter, no prejudice has been shown to have been caused to the petitioner. The impugned order passed by the Financial Commissioner has not been found suffering from any patent illegality or perversity because of which it deserves to be upheld.

No other argument was raised.

In view of what has been discussed hereinabove, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

21.7.2016
Ak Sharma