

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1477 of 2016 (O&M)

Date of decision: 11.7.2016

Nirmal Singh

.. Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Shashank Sharma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition is directed against the impugned orders dated 13.8.2013 (Annexure P-3), 4.3.2014 (Annexure P-4) and 5.8.2015 (Annexure P-5), passed by the Collector, Patiala, Divisional Commissioner, Patiala Division, Patiala, as well as Financial Commissioner, Punjab, respectively, whereby the petitioner was removed from the post of Lambardar on account of misconduct.

Brief facts of the case are that, while petitioner was working as Lambardar, FIR No. 59 dated 22.3.2013 was registered against the petitioner. An enquiry was conducted by the Superintendent of Police, Rajpura, who reported to the revenue authorities that petitioner was arrested on 3.4.2013 in the abovesaid case. Allegation against the petitioner was that he wrongly identified a person before the revenue authorities. Petitioner

remained in judicial custody in Central Jail, Patiala. A complaint having been moved against the petitioner on the basis of abovesaid allegation, the same was looked into by the competent authority, i.e, Collector, Patiala. Identification made by the petitioner remained undisputed throughout. Finding this allegation to be correct, Collector, Patiala, vide impugned order dated 13.8.2013 (Annexure P-3) removed the petitioner from the post of Lambardar. Feeling aggrieved, petitioner filed appeal before the Commissioner, Patiala Division, Patiala, which was dismissed vide impugned order dated 4.3.2014 (Annexure P-4). Revision filed by the petitioner before the Financial Commissioner also met the same fate vide order dated 5.8.2015 (Annexure P-5).

Challenging all the abovesaid three orders passed by the competent authorities, petitioner has approached this Court by way of present writ petition.

The only argument raised by learned counsel for the petitioner is that allegation against the petitioner was incorrect. He further submits that since the petitioner was falsely implicated in the abovesaid FIR No. 59 dated 22.3.2013, the respondent authorities proceeded on a misconceived approach while passing the impugned orders and the same are liable to be set aside.

After hearing learned counsel for the petitioner and going through the record of the case, including the impugned orders, this Court is of the considered opinion that present writ petition is without any merit and liable to be dismissed.

During the course of hearing, when learned counsel for the petitioner was confronted as to how the allegation levelled against the

petitioner was factually incorrect or false, he could not point out any relevant record in this regard. In fact, petitioner, at any relevant point of time, had never alleged that he was falsely implicated in FIR No. 59 dated 22.2.2013. Further, all the three competent authorities have recorded their concurrent findings of fact. Neither the impugned orders have been found suffering from any patent illegality or perversity, nor any such illegality has been pointed out by the learned counsel for the petitioner.

Further, it is also not the case of the petitioner that he was not granted due opportunity of being heard at any relevant point of time. Petitioner was granted full opportunity to defend himself at every relevant stage of litigation. Since it was a matter of record that he identified a wrong person because of which the abovesaid FIR was registered against him, mere quashing thereof would not absolve the petitioner from his misconduct which has been duly proved against him. Such a proved misconduct will not entitle the petitioner to be Lambardar any further.

In view of what has been discussed hereinabove, no case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

11.7.2016
AK Sharma