

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

**CWP No.22097 of 2016
Date of decision: 24.10.2016**

Raj Kumar

... Petitioner

Vs.

Financial Commissioner (Appeals-I), Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner has approached this Court against the order dated 06.08.2015 (Annexure P-7) and also the order dated 04.02.2016 (Annexure P-9) passed in the review application filed by the petitioner against the order dated 06.08.2015, by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned orders.

Heard learned counsel for the petitioner.

It is a matter of record that in the earlier round of litigation, LPA Bench of this Court vide its order dated 21.01.2013 (Annexure P-6) remanded the matter to Financial Commissioner, Punjab, instead of District Collector. In compliance of the abovesaid order passed by a Division Bench of this Court, Financial Commissioner found that both the candidates were facing serious allegations. However, in spite of the said material fact, Financial Commissioner thought it appropriate not to declare both the candidates as ineligible for the

post of Lambardar, but he remanded the case to the Collector with a direction to pass fresh order, after examining the allegations against both the candidates.

Since there was no stay against the impugned remand order dated 06.08.2015 (Annexure P-7) passed by the Financial Commissioner, lower revenue authorities rightly proceeded further in the matter and now the case is listed for consideration before the competent authority on 26.10.2016, as pointed out by learned counsel for the petitioner. It goes without saying that learned District Collector shall satisfy himself, after due consideration of comparative merits of both the candidates, based on the relevant material brought to his notice and only thereafter, he shall pass an appropriate order, appointing the most suited candidate for the post of Lambardar. This Court is not making any further observations in this regard, lest it should prejudice the rights of either of the parties. However, it is made clear that both the candidates shall be at liberty to put up their best case before the learned District Collector, who is the appointing authority and he shall consider the same in the corrective perspective, in accordance with law.

It is also directed that since in the interregnum, nobody would be working as Lambardar, District Collector shall make every endeavour to pass the final order at the earliest possible time and in any case within a period of six months from the date of receipt of certified copy of this order.

No other argument was raised.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

24.10.2016

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No