

Civil Writ Petition No. 23672 of 2016

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

**Civil Writ Petition No. 23672 of 2016
Date of Decision: 17.11.2016**

Rajinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Iqbal Singh Saggu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 23.8.2016 (Annexure P-7) passed by the Financial Commissioner, whereby he dismissed the revision filed by the petitioner and upheld the orders dated 2.5.2016 (Annexure P-6) as well as 21.2.2013 (Annexure P-5) passed by the Commissioner and District Collector, respectively, ordering for fresh munadi (proclamation), for inviting fresh applications from eligible candidates for the post of Schedule Caste Lambardar.

Heard learned counsel for the petitioner.

It is not in dispute that learned District Collector has not passed any order, appointing any of the candidates as Lambardar. When the learned District Collector found that proclamation carried out in the village was not

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appropriate, he ordered fresh proclamation, so that the fact regarding availability of the post of Lambardar may be given due publicity, enabling all the candidates to apply for the post.

Although such an interim order would not be appealable before the Commissioner, yet the Commissioner, Jalandhar Division, considered appeal of the petitioner on merits and after having found the same without any substance, dismissed it, vide self contained order dated 2.5.2016 (Annexure P-6). Still feeling aggrieved, petitioner approached the Financial Commissioner by way of revision petition which also met the same fate at the hands of the Financial Commissioner, vide impugned order dated 23.8.2016 (Annexure P-7).

A combined reading of all the three impugned orders would show that the respondent revenue authorities committed no error of law, while passing their respective impugned orders. All the three impugned orders have not been found suffering from any patent illegality or perversity and the same deserve to be upheld for this reason also.

During the course of hearing, when confronted as to how the petitioner was entitled to challenge an interim order by way of appeal in the absence of any such statutory provisions of law, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Further, no prejudice of any kind, whatsoever, has been pointed out by learned counsel for the petitioner, which might have been caused to the petitioner by passing of the impugned orders, warranting interference at the hands of this Court while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

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Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

17.11.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No