

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

CWP No.6583 of 2016 (O&M)
Date of Decision: 19.8.2016

Darshan Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. K.B. Raheja, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Instant writ petition is directed against the order dated 12.10.2015 (Annexure P-1) passed by the Financial Commissioner (Revenue), Punjab, whereby appeal of the petitioner was dismissed and the order dated 12.3.2015 passed by the Commissioner, Patiala Division, Patiala, was upheld, removing the petitioner from the post of Lambardar, on his conviction by a court of competent jurisdiction in FIR No.113 dated 1.9.2009 under Sections 326, 324, 323, 148 and 149 IPC. Petitioner has sought to place on record copy of the order dated 17.9.2014 passed by the District Collector, Sangrur, as Annexure P-3 by way of CM No.5682 of 2015, which stands allowed.

Heard learned counsel for the petitioner.

Facts are hardly in dispute. It is a matter of record that after

facing criminal trial in the above said FIR, petitioner stands convicted. His appeal against the judgement of conviction and order of sentence also stands dismissed by the learned first appellate court. Aggrieved against the judgement of conviction and order of sentence passed by the learned trial court as well as the judgement passed by the appellate court, petitioner has filed Criminal Revision No.2691 of 2015 before this court, which stands admitted for regular hearing, vide order dated 27.11.2015. However, it is also undisputed on record that conviction of the petitioner has not been stayed by this court.

In view of the above, Commissioner, Patiala Division, Patiala as well as the learned Financial Commissioner, have committed no error of law, while passing their respective impugned orders, directing inviting fresh applications from eligible candidates, so as to fill up the post of Lambardar. It goes without saying that since there is no dearth of eligible candidates for the post of Lambardar, there is no compulsive necessity, to allow a convicted person to continue as Lambardar. Further, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned orders. No prejudice of any kind, whatsoever, has been shown, which might have been caused to the petitioner, while passing the impugned orders.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered opinion that since the impugned orders have not been found suffering from any patent illegality or perversity, the same deserve to be upheld. The writ petition having been found wholly misconceived, bereft of

merit and without any substance, must fail. No case for interference has been made out.

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

(RAMESHWAR SINGH MALIK)
JUDGE

19.8.2016
GS

Whether speaking/reasoned/non-speaking

Whether reportable: Yes/No