IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA no. 1076 of 2014 (O&M)
Date of Decision :30.03.2016

Labh Singh

....Appellant(s)

Versus

Financial Commissioner (Appeals-1), Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS JUSTICE LISA GILL

Present : Mr.Naresh Chander, Advocate for
Mr. R.S.Chauhan, Advocate for the appellant

Mr. Manoj Bajaj, Addl. AG, Punjab

Mr. G.L.Bajaj, Advocate for respondent no.4

MAHESH GROVER, J.

The appellant has impugned the order of the learned Single Judge dated 31.3.2014. The issue pertains to the appointment of a Lambardar.

The facts would reveal that the appellant was appointed as Lambardar vide orders of the Collector dated 14.6.2007 which was challenged before the Commissioner who dismissed the appeal to uphold the order of the Collector. The Financial Commissioner also upheld the order leading to a review but it also met the same fate.

It was argued before the writ Court that the incumbent Labh Singh who was appointed as Lambardar was involved in FIR no. 40 dated 20.7.1995 under Sections 61/1/14 of the Excise Act registered at Police Station Mallanwala but none of the authorities had referred to this conviction while appointing him. The writ Court noticed this fact to remand the matter back to the competent authority to take notice of the objection and decide the matter afresh.

Before this Court, the appellant has contended that merely because he was involved in an Excise Act would not ipso facto lead to a conclusion of moral turpitude to debar him from the process.

Learned counsel for the respondents on the other hand contends that it would be for the authorities to evaluate this aspect after a proper appraisal of the involvement of the appellant in an offence under the Excise Act.

After hearing learned counsel for the parties, we are of the opinion that it is a matter which needs to be deliberated upon by the Financial Commissioner in the first instance by taking into consideration the objection of the respondents regarding appellant's involvement in the Excise Act as also its consequences. We do not find any reason to interfere with the order of the learned Single Judge.

Hence dismissed.

(Mahesh Grover)
Judge

30.03.2016 **(Lisa Gill)**
rekha **Judge**