

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

**CWP No.17663 of 2012  
Date of decision:21.04.2017**

Jarnail Singh Minhas ... Petitioner

Vs.

Financial Commissioner and others ... Respondents

**CWP No.15180 of 2013**

Shamsher Singh ... Petitioner

Vs.

Financial Commissioner and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. R.S.Chauhan, Advocate  
for the petitioner in CWP No.17663 of 2012 and  
for respondent No.4 in CWP No.15180 of 2013.

Mr. Sandeep Jain, Advocate  
for the petitioner in CWP No.15180 of 2013 and  
for respondent No.4 in CWP No.17663 of 2012.

Mr. Monika Chhibber Sharma, DAG, Punjab.

**AMIT RAWAL J. (Oral)**

This order of mine shall dispose of two writ petitions bearing Nos.17663 of 2012 and 15180 of 2013. Both have arisen out from the decision rendered by the Financial Commissioner, whereby, the revision petitions preferred by Jarnail Singh and Ram Krishan, have been dismissed and the matter has been remanded back to the District Collector for

initiating fresh proceeding for appointment of Lambardar.

Mr. R.S.Chauhan, learned counsel appearing on behalf of the petitioner submits that Jarnail Singh is an ex-serviceman. On the basis of the recommendation of the local authority, he was appointed as Lambardar by the District Collector. The order of the Collector is not absolute but can only be tinkered with when it suffers from illegality and perversity. The aforementioned order was challenged by Shamsher Singh and Ram Krishan. The Commissioner dismissed the appeal of Ram Krishan and accepted the appeal of Shamsher Singh on the premise that he is younger in age to the petitioner – Jarnail Singh. It is in this aspect of the matter that two revision petitions have been filed. However, the Financial Commissioner has set aside the entire process as indicated above on the ground that Jarnail Singh had a political influence and therefore, his appointment is backed by political affiliate. He further submits that though there was no direct evidence except newspaper cutting which do not carry any weight in view of the settled law, yet weightage had been given.

On the contrary, Mr. Sandeep Jain, learned counsel appearing on behalf of respondent No.4 submits that only point/ground weighed in the mind of the Financial Commissioner is that Shamsher Singh had incorrectly given his age as 47 years instead of 55 years. The order of the Financial Commissioner is based upon the mis-direction and not addressed the issue most pragmatically and objectively and thus, prays for dismissal of the writ petitions.

Ms. Monika Chhibber Sharma, learned Deputy Advocate

General, Punjab appearing on behalf of the respondents-State submits that the order under challenge is perfectly legal and justified and cannot be said to have been passed without jurisdiction. No prejudice would be caused to the petitioners to participate in the entire process as they have not been held as eligible candidates.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is force and merit in the submission of Mr. R.S.Chauhan, for, it is settled law that news information published in the newspapers do not carry any weight and in this regard, I draw my support to the judgment rendered by the Hon'ble Supreme Court in **Dr. B. Singh vs. Union of India and others 2004(3) SCC 363.**

As regards other point raised by Mr.Sandeep Jain, Mr. Chauhan submits that record reveals that it was other Shamsher, who was 45 years, and therefore, there was misinterpretation by the Financial Commissioner.

In view of the aforementioned, I am of the view that the matter requires to be redetermination. Resultantly, the impugned order is set aside and the matter is remitted back to the Financial Commissioner to decide the same afresh within a period of four months from the date of receipt of a certified copy of this order. The petitioners are at liberty to raise all the pleas in respect of their grievance before the Financial Commissioner.

The parties through their counsel are directed to appear before the Financial Commissioner on 08.5.2017.

Accordingly, the writ petitions stand disposed of.

(AMIT RAWAL)  
JUDGE

April 21, 2017  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |