

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.13189 of 2014

Date of Decision: March 09, 2017

Dilbag

...Petitioner

Versus

Financial Commissioner, Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.R.S.Sathi, Advocate,
for the petitioner.

Mr.Sandeep Singh Mann, Sr.DAG, Haryana,
for the State.

Mr.Vineet Chaudhary, Advocate,
for respondent No.4.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned order dated 10.10.2013 (Annexure P-1) passed by the Financial Commissioner, Haryana on remand by this Court vide order dated 2.2.2011 passed in Civil Writ Petition No.15479 of 2009 (Annexure P-7), whereby a direction was issued to the Financial Commissioner to decide the matter regarding, the appointment of Lambardar, i.e., the revision petition on merits, in essence by taking into consideration merits and de-merits of the respective parties.

Mr.R.S.Sathi, learned counsel for the petitioner submits that on remand, the petitioner had moved an application for placing on record additional documents vide Annexure P-8 dated 26.3.2013, but yet the same have not been noticed by the Financial Commissioner and, thus, there is gross illegality. Respondent No.4 Vimal was facing two FIRs bearing No.52 dated 7.4.2005, under Sections 323, 324, 326, 34 IPC and FIR No.61 dated

3.6.2007, under Sections 148, 323, 324 and 149 IPC, Police Station, Guhla, though during the pendency of the matter before the Collector, in FIR No.61 respondent No.4 has been acquitted and in respect of FIR No.52, now he had been acquitted, in essence when his application was considered, the same was pending. Respondent No.4 had encroached upon the panchayat land, in essence the entire village is on the encroached land.

He further submits that no regard has been given to the provisions of Rule 19-B of the Punjab Land Revenue Rules as applicable to the State of Haryana as the father of the petitioner had rendered services to the State as he retired as Upper Grade Constable. All these factors were required to be pondered/looked into. An obligation was, thus, enjoined upon the Financial Commissioner to decide the matter pragmatically and objectively

Per contra, Mr.Vineet Chaudhary, learned counsel for respondent No.4 submits that respondent No.4 is more educated than the petitioner. He is 9th class pass and younger in age and has given many cases of family planning, much less involved in opening the accounts of small savings. There has been adherence to the provisions of Rule 20 of the Rules, *ibid* and as noticed in the order of this Court, therefore, there is no illegality and perversity.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no merit and force in the submissions of the learned counsel for the petitioner as the contents of the application (Annexure P-8) do not reveal that the certificate Annexure P-11 with regard to the services rendered by his father as Upper Grade Constable was part and parcel of the revision petition as only death certificate was

attached as Annexure P-1 to show that the agricultural land owned by his father has devolved upon him and his brother and some other documents have been placed on record, thus, the contention with regard to the adherence to the provisions of Rule 19-B of the Rules, *ibid*, is meritless.

As regards the other aspects, the conceded position on record is that in both the FIRs, respondent No.4 has been acquitted, thus, there is no defiance of Rule 16 of the Rules, *ibid*. Respondent No.4 is 9th class pass and younger in age and had contributed in the schemes as noticed above, whereas the petitioner, at the time of consideration of the application, was elder and 7th class pass, though he failed in 10th class. All these factors have been seen by the authorities. I am of the view that there had been adherence to the order of the Court, whereby the matter was remanded back.

No case for interference is made out. Writ petition stands dismissed.

March 09 , 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No