

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.10335 of 2017
Date of Decision: May 15, 2017

Bawa Singh

...Petitioner

Versus

Financial Commissioner, Co-operative, Punjab, Chandigarh & others

...Respondents

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

Present: Mr.Subhash Kumar, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner is seeking writ of quo-warranto for issuance of direction to the official respondents for removal of respondent No.5 from the post of Lambardar of Village Jalpot, District Jalandhar and as well as for quashing the order dated 25.4.2016 (Annexure P-12), vide which application moved by the petitioner for initiating the action against respondent No.5 under Section 340 Cr.P.C. and under Section 193 IPC, has been dismissed.

Mr.Subhash Kumar, learned counsel representing the petitioner submits that the process for appointment of Lambardar was initiated long time back, i.e, in the year 2006, in which the petitioner had also submitted his application. The Collector recommended his name, but however, the Commissioner set-aside the order and resultantly respondent No.5 was appointed as Lambardar. The matter was assailed upto this court, but the appointment of respondent No.5 had been upheld even by the Hon'ble

Supreme Court. There were three other disqualifications of respondent No.5 in holding the aforementioned post, which have not been taken into consideration. It is in this aspect of the matter, writ for quo-warranto has been sought for issuance of appropriate directions to the official respondents and for quashing of the order dated 25.4.2016.

I have heard the learned counsel for the petitioner, 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. It is a total case of settling of scores of a defeat way back in 2007. The petitioner cannot indulge into adopting various courses as has been noticed above for removal of the private respondent. It appears that he has not been able to digest his defeat. Matter regarding appointment has been upheld upto the Hon'ble Supreme Court. No change in circumstances has been brought to the notice of this Court. All these facts were available to the petitioner, but having failed to do so, the appointment of respondent No.5 made way back in 2007, which has been upheld upto the Hon'ble Supreme court, cannot be challenged in 2017 by filing writ petition. It is an act of subterfuge No ground for interference is made out.

Resultantly, the writ petition, which is devoid of merit and fallacious, is dismissed.

May 15, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No