

CWP No.13704 of 2017

[1]

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

**CWP No.13704 of 2017
Date of decision:03.07.2017**

Prithvi Singh
Versus
Financial Commissioner and others

...Petitioner
...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The post of Lambardar of village Baruawali-II, Tehsil and District Sirsa fell vacant on account of death of erstwhile Lambardar Duni Ram. 23 persons applied for the said post out of which six remained in the contest. The Collector, on the recommendation of the SDO (Civil), appointed respondent no.4 as Lambardar, holding that he is 43 years of age, matriculate, owned 6 acres of land and participating in the social work.

The appointment of respondent no.4 was challenged in appeal by the present petitioner. The said appeal was allowed by the Divisional Commissioner on 10.06.2014 and the matter was remitted back to the Collector to decide it again after reconsidering the merits and de-merits of all the candidates.

The order of the Divisional Commissioner was challenged in appeal by respondent no.4, which has been allowed by the Financial Commissioner vide his order dated 21.10.2015 by observing that there were

serious allegations against the petitioner regarding theft of canal water and electricity.

Although counsel for the petitioner has argued vehemently for restoration of the order of the Divisional Commissioner but he failed to satisfy this Court in respect of the allegations made against the petitioner regarding theft of the canal water and electricity. Before the Divisional Commissioner, it was sought to be argued that unauthorized use of canal water is not an offence but if the Collector is in a position to choose a person with clean antecedents and there is no perversity in his choice, the remand of the case by the Divisional Commissioner was not justified and has rightly been set aside by the Financial Commissioner.

Consequently, I do not find any merit in the present petition and hence, the same is hereby dismissed.

July 03, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No