

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

**CWP No.17885 of 2016
Date of Decision.11.01.2017**

Harjit Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned orders dated 29.03.2010 (Annexure P-2) and 20.10.2015 (Annexure P-3) whereby vide Annexure P-2, the Commissioner while setting aside of the finding of the Collector dated 12.03.2009 (Annexure P-1) in pursuance of the appeal filed by the defeated candidate for the post of Lambardar had remanded the matter back to the Collector with direction to wait for the outcome of the criminal case pending against the respondent and in case he feels otherwise, he may order for fresh proclamation. The aforementioned order was challenged before the Financial Commissioner, who vide Annexure P-3 while setting aside the order of the Commissioner ordered for fresh proclamation. During the interregnum, the petitioner had been convicted but released on probation. It is in this backdrop of the matter, the Financial Commissioner has ordered for fresh proclamation.

Mr. Karanjit Singh, learned counsel appearing for the petitioner submits that the order of the Financial Commissioner is not sustainable, much less, suffers from illegality and arbitrariness as the probation is not ground for holding fresh proclamation. This is not a ground for

disqualification for holding post of Lambardar. The petitioner had worked as Lambardar since 2007 with sincerity and dedication. There had been no complaint during all this period. All these factors have not been taken care of by the Authorities, thus, urges this Court for setting aside of the impugned orders under Annexures P-2 and P-3.

I have heard learned counsel for the petitioner, appraised the paper book and annexures attached thereto and of the view that the finding given by the Financial Commissioner is perfectly legal and justified, for, it is conceded position on record that the petitioner has been convicted but released on probation. He has already been holding the post of Lambardar for a period of more than 9 years. The order of fresh proclamation is the correct approach as it would give an opportunity to other candidates.

For the reasons aforementioned, I do not intend to differ with the finding rendered by the Financial Commissioner. No ground for interference is made out. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

January 11, 2017
Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No