

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

**CWP No.17859 of 2017
Date of Decision: 11.08.2017**

Ram Lubhaya

....Petitioner

Vs.

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner was appointed as Lambardar by the Collector on 16.2.2016. However, the Commissioner set aside his appointment and remanded the case back to the Collector. The order of the Commissioner was challenged before the Financial Commissioner along with an application for stay. It is submitted that the case was first listed on 7.3.2017 but on that date the Financial Commissioner did not hold the Court and the same was the position on 9.5.2017 and 11.7.2017. Now the case is fixed for 15.9.2017. The only grievance of the petitioner is that on the one hand when the appeal filed by the petitioner is not being heard inasmuch as the application for stay is not being decided one way or the other and on the other hand the proceedings are continuing before the Collector after remand. The petitioner is afraid that the Collector may not decide the matter prior to the Financial Commissioner and in that case interest of the petitioner would be unnecessarily prejudiced. The prayer is thus made that till the matter is decided by the Financial Commissioner, proceedings before the Collector may be stayed.

After hearing learned counsel for the petitioner and taking into his words as stated before me as true, the present petition is hereby disposed of with a direction to the Collector to stay the proceedings in the matter of appointment of the Collector as the appeal filed by the petitioner is still pending before the Financial Commissioner and is fixed for 15.9.2017. This order shall operate till 15.9.2017. As it is expected that the Financial Commissioner shall take up the application of the petitioner for stay on the date already fixed i.e. 15.9.2017.

11.08.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*