

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23166 of 2014
DATE OF DECISION: February 1,2017

Satvir Singh

...Petitioner

versus

The Financial Commissioner, Revenue and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Neeraj Gupta, Advocate for the petitioner.
Mr.Sandeep S. Mann, Sr.DAG, Haryana.
Mr.R.D.Yadav, Advocate for respondent No.4.
Mr.Suhash Rana, Advocate for respondent No.6.

AMIT RAWAL, J.

The contention of the petitioner in the petition is that respondent No.4 Ramkishan was erroneously appointed as Lambardar. As per Annexure R4/2, the respondent No.4 was doing night duty from 9.00 p.m. to 5.00 a.m. and the factory is 14 kms far away from the village Gurawara, Tehsil and District Rewari. Somehow, the aforementioned fact could not be taken before the Collector and when it was taken before the Appellate Authority, the same has been repelled on this count alone, whereas, the authority should

have required to hear and decide the appeal/revision after looking into the aforesaid submission. He also submits that respondent No.4 Ramkishan has been considered 'hereditary claims' which has already been repealed under Rule 17 of the Punjab Land Revenue Rules.

Learned counsel for respondent No.4 submits that he has no objection in case the matter is remanded to the Financial Commissioner who would decide the case of the parties vis-à-vis the said selection of Lambardar.

Keeping in view the consensus ad idem between the parties, the order passed dated 23.12.2013, Annexure P.3, passed by the Financial Commissioner, Haryana is set aside. The matter is remanded back to the Financial Commissioner, Haryana who would decide the aforementioned question, i.e. the employment of respondent No.4 Ramkishan in the factory as well as the claim of 'hereditary' under the aforesaid Rules.

Let the entire exercise be completed within a period of three months from the date a certified copy of this order is received.

The parties through their learned counsel are directed to appear before the Financial Commissioner, Haryana on 2.3.2017.

February 01,2017
KD

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No