

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

CWP No.24341 of 2016 (O&M)

Date of Decision.03.04.2017

Pushap Chander

.....Petitioner

Vs

The Financial Commissioner (Appeals) Punjab and others

.....Respondents

Present: Mr. Arun Takhi, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

C.M. No.3017 of 2017

Application is allowed.

Copies of judgments (Annexures P-4 to P-7) are taken on
record.

CWP No.24341 of 2016

The petitioner is aggrieved of the impugned order dated 14.09.2016 (Annexure P-3) passed by the Financial Commissioner whereby revision petition filed against the order of the Commissioner remanding the matter back, has been dismissed on the ground of delay and laches and as well as concealment of fact.

Mr. Arun Takhi, learned counsel appearing on behalf of the petitioner submits that owing to the death of Shiv Ram, Lambardar of village Dala Chak, Tehsil Batala, District Gurdaspur, procedure for filling up the vacancy was initiated and the petitioner along with other persons namely Kulwant Singh had submitted the application, however, the Collector appointed petitioner as Lambardar. The matter was taken in

appeal by Kulwant Singh and the Commissioner vide order dated

12.12.2014 (Annexure P-2) remanded the matter back and observed that the respondent was involved in more than one criminal case which would render him unfit for appointment of Lambardar, thus, ordered for initiating fresh process.

The aforementioned revision petition had been filed after a delay of 481 days on the premise that the counsel of the petitioner had not taken effective steps for availing the statutory remedy. It is in this backdrop of the matter, delay of 481 days occurred and moreover, vide Annexure P-7, the petitioner has been acquitted on the benefit of doubt and the other cases as well resulted into acquittal, thus, there cannot be any valid ground for rejecting the candidature of the petitioner.

I have heard learned counsel for the petitioner and appraised the paper book. First of all, the writ petition is bereft of information as to what happened after the remand of the matter by the Commissioner.

At this stage, after dictating the order at this length and realizing that the writ petition is about to be dismissed, the counsel for the petitioner seeks withdrawal of the writ petition on the premise that in pursuance of the direction given by the Commissioner, he has already sought a fresh process/consideration.

The writ petition is dismissed as withdrawn with costs of ₹5000/- to be paid to Kulwant Singh. If the costs is not deposited as directed, liberty is granted to the private respondent-Kulwant Singh to move an appropriate application for compliance of this order.

(AMIT RAWAL)
JUDGE

April 03, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No