

CWP No.24184 of 2017

[1]

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

**CWP No.24184 of 2017
Date of decision:26.10.2017**

Surender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.P.Sharma, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner and respondents no.5 to 7 had applied for the post of Lambardar (General category) of village Khanpur, Tehsil Hansi, District Hisar, after the death of Karam Singh Lambardar. The Collector appointed respondent no.5 as Lambardar. His appointment was challenged by the petitioner and respondent no.6 by way of appeal before the Divisional Commissioner who, vide his order dated 30.08.2016, set aside the order of the Collector and remanded the case back to him. Respondent no.5 challenged the order of the Divisional Commissioner before the Financial Commissioner by way of revision petition, which has been allowed on 20.07.2017.

Learned counsel for the petitioner has submitted that the Divisional Commissioner had passed an innocuous order of remanding the case back to the Collector to hold an inquiry into the allegations against the appointed candidate, namely, Mewa Singh (respondent no.5 herein), which has been wrongly set aside by the Financial Commissioner.

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

The Collector, while appointing respondent no.5 as Lambardar, found that he is a healthy person of 50 years of age, matriculate, owner of 12 acres of land, donated 40 quintal fodder and 9 quintal wheat in the Gaushala, planted 500 trees which are alive, having good relations with the villagers and participated in the social work. He also has 71 motivation certificates of family planning, deposited ₹51,000/- in the post office in the small saving and besides that the Gram Panchayat, the Tehsildar and the SDO(C), Hansi also recommended his name.

The allegation against respondent no.5 was that he is a defaulter of the State Bank of India, ADB Branch, Barwala and was involved in the unauthorized use of canal water. The Financial Commissioner found that the Branch Manager, State Bank of India, ADB Branch, Barwala, made a report that respondent no.5 had settled his account on 30.11.2012 and Tehsildar, Hansi also gave him 'No Dues Certificate' on 06.03.2017, therefore, there was no need for holding any roving inquiry.

I am in total agreement with the findings recorded by the Financial Commissioner who has set aside the order of the Commissioner of remanding the case back to the Collector for holding an inquiry.

In view of the fact that the allegations levelled against respondent no.5 by the petitioner were not found to be worth holding an inquiry, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

October 26, 2017
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(Rakesh Kumar Jain)
Judge

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