

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

CWP No.7902 of 2015
Date of Decision.15.03.2017

Lachhaman Singh

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. Sudhir Aggarwal, Advocate
for respondent No.4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The grievance of the petitioner is that as per the order of the Collector, he was appointed as Lambardar. The order aforementioned was assailed before the Commissioner, who upheld the order of the Collector, however, the Financial Commissioner has assigned no reasons, much less, not decided the revision petition in an objective manner, therefore, the order is no sustainable. The operative part of the order under challenge reads as under:-

"I have perused the petition and have gone through the impugned orders of the Courts below. I have also heard the arguments of counsels for petitioner as well as respondent. During the course of arguments, I find that the qualification of the petitioner is BA LLB which is higher than the qualification of the respondent i.e. matric. Accordingly, I accept the revision petition filed by the petitioner and set aside the impugned order dated 12.10.2011 passed by the Collector Mewat and order dated 17.01.2013 passed by Commissioner, Gurgaon Division Gurgaon and appoint the petitioner Sh.

Attar Singh as a Lambardar of village Mahuwas, Tehsil Nuh, District Mewat.”

The contention of the counsel for the private respondent is that his client is more qualified as he is BA LLB and this factor has been taken into consideration.

I have heard learned counsel for the parties and appraised the paper book. Once, both the courts are in favour of the petitioner, the Financial Commissioner, exercising the power of revision was under obligation to go into the objectivity of the matter, much less, intricacies involved and examine the matter in a most objective and pragmatic manner but not as indicated above. He, being a quasi judicial authority, is expected to pass order by taking into consideration the contentions/rival contentions of the parties.

Resultantly, the order passed by the Financial Commissioner under challenge is set aside and the matter is relegated to the Financial Commissioner, Haryana to decide the matter afresh. The parties shall be at liberty to bring on record all case laws and relevant materials in support of their respective contentions.

The writ petition is allowed. The parties are directed to appear before the Financial Commissioner through their counsel on 07.04.2017.

(AMIT RAWAL)
JUDGE

March 15, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No