

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

LPA No.2152 of 2016 (O&M)

Date of Decision : 09.10.2017

Raj Kumar

....Appellant

Versus

Financial Commissioner and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

....

Present: Mr. K.S.Dadwal, Advocate
for the applicant/appellant.

Mr. P.P.S.Thethi, Addl.AG, Punjab
for respondents No.1 to 3.

Mr. B.K.Mehta, Advocate
for the non-applicant/respondent No.4.

...

MAHESH GROVER, J. (Oral)

Having regard to the averments made in C.M.No.3901-
LPA of 2017, the main appeal is taken on board today itself.

It has been stated by the applicant/appellant in the
aforesaid application that the proceedings before the SDM have been
adjourned sine die in view of the pendency of the present appeal. The
issue pertains to the appointment of a Lambardar. It has been averred
in the application that the Tehsildar has recommended the name of
the appellant but the proceedings cannot be finalised in view of the
pendency of the present appeal.

Learned counsel for the non-applicant/respondent No.4

states that he has no objection if the proceedings before the SDM are permitted to go on.

We notice that the grievance of the appellant was directed against the judgment of the learned Single Judge before whom also an order of remand had been contested. The learned Single Judge has disposed of the writ petition in the following terms :-

“Since there was no stay against the impugned remand order dated 06.08.2015 (Annexure P-7) passed by the Financial Commissioner, lower revenue authorities rightly proceeded further in the matter and now the case is listed for consideration before the competent authority on 26.10.2016, as pointed out by learned counsel for the petitioner. It goes without saying that learned District Collector shall satisfy himself, after due consideration of comparative merits of both the candidates, based on the relevant material brought to his notice and only thereafter, he shall pass an appropriate order, appointing the most suited candidate for the post of Lambardar. This Court is not making any further observations in this regard, lest it should prejudice the rights of either of the parties. However, it is made clear that both the candidates shall be at liberty to put up their best case before the learned District Collector, who is the appointing authority and he shall consider the same in the corrective perspective, in accordance with law.”

We had while entertaining the appeal not stayed the operation of the impugned order but merely directed that the appellant may continue to function as Lambardar but in case the respondents come and apprise the court that unnecessary adjournment are being sought by the appellant, this interim order permitting the appellant to function as Lambardar would stand vacated. In view of the fact that the proceedings have come to an end during the pendency of the present appeal, we dispose of the application and direct the competent authority to dispose of the issue as expeditiously as possible but not later than four weeks from the date of receipt of certified copy of the order. Till that time the appellant shall continue to function as a Lambardar. Since a new order would come into existence, the parties would be at liberty to agitate their matter before the competent authority. The present appeal has therefore outlived its utility and the same is disposed of.

(MAHESH GROVER)
JUDGE

09.10.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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