

LPA no. 754 of 2016 (O&M) 1

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

**LPA no. 754 of 2016 (O&M)
Date of Decision : 02.02.2017**

Karnail Singh

....Appellant(s)

Versus

Financial Commissioner, (Appeals), Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

Present : Mr.G.L.Bajaj, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 12.4.2016. The appellant claims that he was appointed as a Lambardar by the Collector and therefore his choice ought to be respected but Commissioner and all subsequent authorities including the writ Court ignored the order of the Collector to uphold that of the Commissioner and the Financial Commissioner on totally un-sustainable grounds.

It has been contended by the learned counsel for the appellant that the appellant owns 30 kanals and 15 marlas of land as against 25 kanals owned by respondent no.4. Besides the appellant is 6th pass while respondent no.4 is Matriculate. Apart from this it is contended that the appellant had worked as Sarbrah Lambardar when his father appointed him as such for 17 long years which is a factor that ought to have weighed in his

favour but the same was also ignored.

We have heard learned counsel for the appellant and perused the impugned order as also the relevant material on record. The order of the Financial Commissioner notices the reasoning of the Commissioner approvingly and one of the factors that weighed with him is a criminal complaint of theft against the appellant. Besides his removal as a Sarbrah Lambardar on 18.3.2005 by his own father who commented adversely on his activities.

In view of this as also in view of the fact that the orders passed by the authorities are not shown to be perverse or erroneous in any manner, we would decline interference in the present appeal. Hence, present appeal is hereby dismissed.

Since the matter has been remanded back for fresh consideration, we make it clear that anything adverse that has been observed against the present appellant will not be an impediment in his way to participate in the election process and the Collector would be at liberty to grant a fresh appraisal.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

02.02.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No