

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

**Civil Writ Petition No.17841 of 2018
Decided on : 03.08.2018**

Harphool Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The present writ petition filed under Article 226/227 of the Constitution of India is directed against the order dated 23.05.2018 (Annexure P-5) passed by Financial Commissioner, Haryana, whereby the petitioner has been rendered ineligible for consideration for the post of Lambardar of the village Bhushan Kala, Tehsil Narnaul, District Mahendargarh.

Mr. Ashish Yadav, Advocate for respondent No.4-Surender at whose instance the said order was passed, has put in appearance and filed power of attorney.

The sole argument as such has been raised by the counsel for the petitioner that since ineligibility is on the basis of the penalty which had been imposed under the Electricity Act, 2003 during the pendency of the proceedings and, therefore, while remanding the matter the petitioner's case on merits should also be examined.

Counsel for respondent No.4 on the other hand has pointed out

that there are also allegations of encroachment upon the Panchayat land, which was also mentioned in the revision petition filed before the Financial Commissioner. It is submitted that in such circumstances, if the matter is to be remanded, the Collector should examine all the aspects of the candidates who are in fray and pass a fresh order, since it is contended that the private respondent is more meritorious.

Counsel for the petitioner also has no objection, if such a procedure is followed.

Accordingly, order dated 23.05.2018 (Annexure P-5) is modified to the extent that the petitioner's case shall also be considered for appointment alongwith other candidates, who had applied and the Collector shall de hors any observations made by the Financial Commissioner look into the merits of the candidates and take a fresh call as to whether who is a better candidate for the post of Lambardar.

The needful be done within a period of two months from today. In the meantime, the petitioner will be permitted to continue to function on the said post.

Disposed of.

AUGUST 03, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No