

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

106

Civil Writ Petition No.4584 of 2018
Date of Decision: December 14th, 2018

Baljeet Singh

...Petitioner

Versus

The Financial Commissioner, Revenue Department, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Neeraj Gupta, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 07.09.2017 (Annexure P-3) passed by the Financial Commissioner, Haryana-respondent No.1, order dated 06.02.2014 (Annexure P-2) passed by the Commissioner, Gurgaon Division, Gurgaon-respondent No.2 and the order dated 19.02.2013 (Annexure P-1) passed by the District Collector, Gurugram-respondent No.3, whereby the candidature of the petitioner vis-a-vis respondent No.4-Kamal Singh, on consideration, has been found to be non-suitable for appointment to the post of Lambardar while appointing Kamal Singh son of Diwan Singh as Lambardar of Village Jharsa, District Gurugram.

2. It is the contention of learned counsel for the petitioner that an FIR was registered against respondent No.4 under Sections 489-B/124-A/255/256/257/258/259/261/120-B/420/467/468/471 IPC, wherein after trial he has been acquitted by the learned Additional District and Sessions Judge, Jhajjar, vide judgment dated 23.02.2005. He contends that it was not an honourable acquittal but was based upon lack of evidence against him as the case was not proved beyond doubt by the prosecution.

He contends that a person with such a character should not have been appointed as a Lambardar of a village.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the orders impugned.

4. It is a settled proposition of law that the choice as exercised by the Collector while appointing a Lambardar should not be interfered with in the ordinary course. Further this order of the District Collector, Gurugram, dated 19.02.2013 has been upheld not only by the Commissioner, Gurugram, but also by the Financial Commissioner, Haryana. All these authorities have taken into consideration the plea as is being sought to be projected by the counsel for the petitioner but rejected the same. This Court also finds itself in agreement with the observations made by the authorities below, especially when the acquittal has been ordered by the Court below as the charges were not proved against respondent No.4-Kamal Singh.

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

December 14th, 2018

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No