

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Letters Patent Appeal No.370 of 2016(O&M)
Date of Decision: August 02, 2018.

Vikram SinghAppellant
versus
State of Haryana and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Vijay S.Kajla, Advocate, for
Mr.R.D.Yadav, Advocate, for the appellant.
Mr.R.D.Sharma, DAG, Haryana.
Mr.R.A.Sheoran, Advocate, for respondent No.4.
Mr.Abhishek Yadav, Advocate, for respondent No.5.

-.-

Surya Kant, J. (Oral)

The appellant was appointed as Lambardar of village Kalaka, Tehsil and District Rewari, by the Collector, Rewari. The certificate of academic qualification relied upon by him was, however, found to be doubtful by the Appellate Authority, who set-aside the appellant's appointment as Lambardar and directed to hold an enquiry into its genuiness. The Financial Commissioner (Revenue) reversed the order of the Appellate Authority against which respondent No.4 (Mittar Sain) approached this Court through a writ petition. The learned Single Judge vide interlocutory order dated 07.09.2015 directed the State Vigilance Bureau, Haryana, to hold an enquiry into the authenticity of qualification certificate of the appellant. The State Vigilance Bureau, Haryana found the said certificate to be forged and fabricated. The learned Single Judge accordingly vide order dated 19.11.2015 set-aside the appointment of the appellant and remanded the case to the Collector, Rewari, to decide the matter of appointment of Lambardar afresh. A further direction was issued to initiate criminal proceedings against the appellant.

challenge in this appeal.

It is pointed-out by learned counsel for respondent No.4 (Mittar Sain-writ-petitioner) that the Collector has now appointed him as Lambardar on 14.03.2018 and the issue of appointment of Lambardar thus no longer survives in this appeal. Any person aggrieved by the order of Collector has got remedy to file appeal under the Statute in accordance with law.

As regard to the direction issued by learned Single Judge to initiate criminal proceedings against the appellant, this Court had stayed those proceedings vide order dated 20.02.2017 after taking notice of the fact that the appellant was not associated in the enquiry conducted by the State Vigilance Bureau. Though we see no reason to doubt the report of the State Vigilance Bureau to the effect that the certificate relied upon by the appellant was not genuine but taking a lenient view and also taking cognizance of the subsequent fact that now respondent No.4 (Mittar Sain) has been appointed as the new Lambardar, the order dated 19.11.2015 of the learned Single Judge is modified to the extent that there shall be no direction by this Court to initiate criminal proceedings against the appellant, leaving it upon to the authorities to take an appropriate decision in this regard.

The appeal stands disposed of accordingly.

[SURYA KANT]
JUDGE

August 02, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

LPA No.370 of 2016 (O&M)

[3]

CM Nos.784 and 785 of 2016 in
LPA No.370 of 2016.

- - -

Vikram Singh versus State of Haryana and others

Present: Mr.Vijay S.Kajla, Advocate, for
Mr.R.D.Yadav, Advocate, for the appellant.
Mr.R.D.Sharma, DAG, Haryana.
Mr.R.A.Sheoran, Advocate, for respondent No.4.
Mr.Abhishek Yadav, Advocate, for respondent No.5.

* * *

CM No.784 of 2016

For the reasons mentioned in the application, the same is
allowed and 2 days' days in filing the accompanying appeal is condoned.

CM stands disposed of.

CM No.785 of 2016.

For the reasons mentioned in the application, the same is
allowed and the document A-1 is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 02, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE