

CWP-4401-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4401-2019

Date of Decision: 20th February, 2019

Inderjit Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navjeet Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the recommendation made by the Tehsildar-cum-Assistant Collector 2nd Grade, Khanna, District Ludhiana – respondent No.4, whereby, candidature of respondent No.5 – Pardeep Singh, for appointment to the post of Lambardar of Gujjar Patti, Village Rasulra, has been made.

It is the contention of the learned counsel for the petitioner that the petitioner has also applied for the post of Lambardar which has not been considered by the Tehsildar-cum-Assistant Collector 2nd Grade, Khanna, District Ludhiana – respondent No.4. It is further contended that respondent No.5 – Pardeep Singh, has been convicted in FIR No.44 dated 16.05.1997, under Sections 307, 325, 279, 337, 427 and 34 of IPC, registered at Police Station Dandwali Sadar Khanna, by the Additional Sessions Judge, Ludhiana, on 09.11.2004 and sentenced him for two years.

This conviction and sentence has been set aside by the Division Bench of

this Court vide judgment dated 14.05.2018 passed in CRM No.9924 of 2018 in CRA No.S-2443-SB of 2004. He, however, contends that the sentence of fine still stands intact. He, thus, contends that the recommendation made by the Tehsildar-cum-Assistant Collector 2nd Grade, Khanna, District Ludhiana – respondent No.4 in favour of respondent No.5 cannot be sustained as in the application, which he had submitted for the post of Lambardar, he had mentioned that he has never been convicted nor sentenced for any offence, whereas, order of acquittal passed by the Division Bench of this Court is subsequent to the date of submission of application. He, thus, contends that the impugned recommendation deserves to be set aside.

I have considered the submissions made by the learned counsel for the petition and with his assistance have gone through the records of the case.

This Court would not like to comment upon the merits of the case as the present writ petition, which has been filed by the petitioner, is premature. The recommendation made by the Tehsildar-cum-Assistant Collector 2nd Grade, Khanna, District Ludhiana – respondent No.4 is only a recommendation and is not binding upon the Deputy Commissioner-cum-Collector, Ludhiana, who is the Competent Authority to consider the facts and circumstances of the case and take a decision thereon.

With regard to the another contention which has been made by the counsel for the petitioner that the application which has been submitted by the petitioner has not been taken into consideration by the Tehsildar-

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cum-Assistant Collector 2nd Grade, Khanna, District Ludhiana – respondent No.4, it goes without saying that it is for the Competent Authority to take a call on the same.

The writ petition, therefore, stands dismissed as it is premature.

20th February, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No