

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

125

Civil Writ Petition No.5636 of 2019

Date of Decision: April 10th, 2019

Jagtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anantdeep Singh Sandhu, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 16.07.2018 (Annexure P-6) passed by the Financial Commissioner (Appeals), Punjab, dismissing the revision petition of the petitioner, order dated 08.01.2009 (Annexure P-2) passed by the Commissioner, Ferozepur Division, Ferozepur, dismissing the appeal, order dated 30.08.2012 (Annexure P-4) passed by the Commissioner, Ferozepur Division, Ferozepur, whereby respondent No.5-Piara Singh has been appointed on the post of Lambardar, Village Maheshari Sandhuan, Tehsil and Distirct Moga.

2. It is the contention of learned counsel for the petitioner that initially petitioner was appointed as the Lambardar of the village. On an appeal preferred by respondent No.5 before the Commissioner, the said appeal was allowed and the matter was remanded back to the Collector for fresh decision. In the fresh consideration instead of appointing the petitioner, Piara Singh-respondent No.5 has been appointed as Lambardar of the village by the Collector vide order dated 27.10.2010 (Annexure P-3).

He contends that the Collector has wrongly proceeded to record the age of the petitioner as 60 years, as a matter of fact, he was 42 years of age at the

time of consideration, which was exactly the same as respondent No.5- Piara Singh. His contention is that it came to light that the application which has been alleged to be submitted for appointment to the post of Lambardar by respondent No.5, was not his own as the same was not signed by him and some forged signatures have been put on the said application. Petitioner preferred an appeal and it is during the proceedings before the Commissioner, Ferozepur Division, Ferozepur, that a report of the Handwriting Expert was produced to substantiate his contention which has been ignored by the Commissioner, Ferozepur Division, Ferozepur. He contends that the Financial Commissioner has also proceeded not to take that into consideration proceeding on the assumption that the said development is subsequent to the appointment order of respondent No.5 and, therefore, would not be a ground for setting aside the appointment of the said respondent. He, thus, contends that the impugned orders cannot sustain and deserve to be set aside.

3. I have considered the submissions made by the counsel for the petitioner and with his assistance, have gone through the records of the case.

4. It is not in dispute that even if the age of the petitioner is taken to be 42 years at the time of submission of the application and consideration, the other qualifications vis-a-vis respondent No.5 are less. Petitioner admittedly is illiterate, whereas respondent No.5 is 8th pass and is also an ex-serviceman. In the given facts and circumstances as were prevalent at the time when the Collector passed the order of appointment of respondent No.5, the same cannot be faulted with. The opinion of the Handwriting Expert that the signatures of respondent No.5 were not that of the said person himself is a subsequent development, which has come into

existence and has been taken as a plea before the Appellate Authority. In any case, it cannot be said that the Handwriting Expert's opinion is a conclusive proof with regard to such a fact. However, primarily the issue and the development being subsequent to the appointment of respondent No.5, this Court does not find any illegality in the orders passed by the revenue authorities, which have been impugned by the petitioner.

5. The writ petition, therefore, stands dismissed.

6. Liberty is, however, granted to the petitioner to prefer a complaint against respondent No.5, if he so chooses to get him removed/dismissed from the post of Lambardar if the signatures of the said respondent are not found on the application as alleged.

April 10th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No