

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

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Civil Writ Petition No.9342 of 2019  
Date of Decision: April 8<sup>th</sup>, 2019

Baghel Singh

...Petitioner

Versus

Financial Commissioner Appeals, Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Sherry K. Singla, Advocate  
for the petitioner.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court challenging the order dated 29.10.2018 (Annexure P-3) passed by the Financial Commissioner (Appeals), Punjab, whereby the appointment of the petitioner has been set aside and the case remanded back to the District Collector, Sangrur, for fresh decision relating to the appointment of Lambardar of Village Sheron, Tehsil Sunam Udham Singh Wala, District Sangrur.

2. It is the contention of learned counsel for the petitioner that the Financial Commissioner could have interfered with the choice of the Collector in case there has been any perversity or an illegality committed by the District Collector, as it is settled principle of law that the choice of the Collector should not be lightly interfered. In support of his contention, he places reliance upon the judgment of this Court in *Sukhjinder Pal Singh Versus State of Punjab and others 2016 (3) R.C.R. (Civil) 725*. He contends that the Financial Commissioner has proceeded to set aside the appointment of the petitioner only on the ground that the Collector, District Sangrur, has proceeded to not accept the candidature of respondent No.4-Jasvir Singh on the ground that there was a criminal case registered against him, in which he

had been discharged. He contends that being the competent authority, the

District Collector has looked into this aspect with regard to the character of the candidate and proceeded to appoint the petitioner. His further submission is that the impugned order being not in consonance with the settled principle of law and the judgments passed by this Court, cannot sustain and deserves to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order dated 29.10.2018 (Annexure P-3) passed by the Financial Commissioner (Appeals), Punjab, as also the order dated 15.09.2014 (Annexure P-1) passed by the District Collector, Sangrur.

4. A perusal of the order dated 15.09.2014 (Annexure P-1) passed by the District Collector, Sangrur, would show that what has primarily weighed upon the mind of the Collector is registration of FIR No.46 dated 10.02.2004 against private respondent No.4-Jasvir Singh. It is an admitted position that in the said case after investigation, a cancellation report was submitted to the Court on 12.07.2004, which according to the counsel for the petitioner, was based upon a compromise. He was, in pursuance to that cancellation report submitted, discharged by the competent Court in the year 2004. The process for appointment to the post of Lambardar was initiated on 29.08.2013, which is after a period of nine years and, therefore, private respondent No.4 could not have been punished for something in which no finding has adversely come against him, especially in the light of the discharge order. The District Collector, therefore, has wrongly proceeded to hold that merely because a FIR has been registered against respondent No.4, he was not a candidate worth consideration vis-a-vis the petitioner, who had no case registered against

him. The other aspects with regard to the discharge has not been taken into consideration as with the passing of the order of discharge, the said registration of the FIR, cannot be taken adversely against respondent No.4 in any manner. The Financial Commissioner has rightly proceeded to rely upon the judgments, which have been passed by this Court dealing with the aspect of registration of a criminal case against a person, who ultimately is either discharged or acquitted and the consequences thereof. The order as has been passed by the Financial Commissioner (Appeals) is based on proper appreciation of the facts and circumstances of the case and the flaw which has been pointed out in the order passed by the Collector is purely a perversity which has crept in because of misreading of the fact of registration of the FIR in view of the law settled by this Court referred to in the order of the Financial Commissioner.

5. Reliance upon the judgment of this Court in *Sukhjinder Pal Singh's case (supra)* cannot be said to be of help to the claim of the petitioners in any manner as there can be no dispute with regard to the principle laid down therein that the power of interference of the Court in the choice of Collector is very limited but this Court finds there to be a perversity as pointed out above in the order passed by the Financial Commissioner (Appeals) and thus the parameter which is prescribed in the judgment referred above, stands fulfilled.

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

**April 8<sup>th</sup>, 2019**  
*Puneet*

**AUGUSTINE GEORGE MASIH)**  
**JUDGE**