

Review Application No. LP-22-2019 in LPA No. 335 of 2019

**Review Application No. LP-22-2019 in
LPA No. 335 of 2019**

**Avtar Singh
Vs.
Financial Commissioner (Appeals-II), Punjab and others**

Present: Mr. Naresh Kumar, Advocate,
for the applicant.

CM-2484-LPA-2019

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 12 days in filing the review application is condoned.

Application stands disposed of.

Review Application No. LP-22-2019

This is an application under Order 47 Rule 1 of the Code of Civil Procedure, seeking review of our order dated 3.4.2019, vide which the appeal filed by the applicant was dismissed.

The short ground upon which the review is being sought is: in fact, vide order dated 30.1.2002, the applicant was appointed as Lambardar by the Commissioner, Jalandhar Division, Jalandhar, and even a *Sanadh* in this regard was issued in his favour, the fact that escaped notice of the learned Single Judge as also this Court. Further, the entire judgment of the learned Single Judge as also the order under review proceed on a premise as if at no point in time, the applicant was appointed as Lambardar.

We have re-examined the records and find that applicant is right. The learned Single Judge, while narrating the factual background,

Review Application No. LP-22-2019 in LPA No. 335 of 2019

observed: that being aggrieved by order dated 30.4.2001, passed by the District Collector, the applicant had filed an appeal which was accepted by the Commissioner, vide order dated 30.1.2002, and the matter was remanded to the District Collector for a fresh decision. For, we derived the facts from the impugned judgment, we reiterated the same position. Though, vide order dated 30.1.2002, the appeal filed by the applicant was accepted by the Commissioner, and he was appointed as Lambardar.

Thus, the question that arises for our consideration is: whether appointment of the applicant as Lambardar, as narrated above, would have any decisive bearing upon the decision rendered by the learned Single Judge as also this Court?

The answer is: No.

Ex facie, the applicant was appointed as Lambardar, vide order dated 30.1.2002, but it is equally true that the said order was assailed in revision by one of the candidates, namely Surjit Singh, and the Financial Commissioner, vide order dated 25.7.2002, set aside the appointment of the applicant and remanded the matter to the District Collector to consider the candidatures of all the 20 candidates in fray, and decide afresh. Thereafter, the matter remained pending before the District Collector, and then Commissioner and Financial Commissioner in appeal and revision, respectively, and in the process, years had gone by. It was in this backdrop, the learned Single Judge affirmed the findings and the decisions of the respondent authorities, that as with efflux of time, the process of appointment that was initiated in the year 2000, had lost its purpose and significance, the order passed by the District Collector, dated 5.11.2013, requiring the Sub Divisional Magistrate, to initiate fresh process for making

Review Application No. LP-22-2019 in LPA No. 335 of 2019

appointment to the office of Lambardar, was fully justified. Thus, even if it is assumed that pursuant to the order dated 30.1.2002, vide which the applicant was appointed as Lambardar, he worked as such for a brief period, the fact remains that his appointment was set aside soon thereafter, vide order dated 25.7.2002 passed by the Financial Commissioner. And, it is not the case of the applicant either that by virtue of any interim order(s), he still continued to perform the functions of Lambardar. Undoubtedly, it would have been a different situation altogether if despite setting aside of his appointment as Lambardar, he had continued to work as such all these years. But that is not the situation in the matter at hands. In a nutshell, the fact: that applicant was appointed as Lambardar, the appointment which was subsequently set aside, was relevant only to be noticed for setting the records straight, though nothing turns thereupon. No ground is made out to review our order and judgment dated 3.4.2019.

Thus, the application is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 29, 2019
AK Sharma