

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13284 of 2019 (O&M)
Date of decision : 27.5.2019

Pardeep Kumar

...Petitioner

Vs.

Financial Commissioner (Revenue) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.R.S.Chauhan, Advocate for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Notice of motion.

On the asking of the Court, Mr.Charanpreet Singh, AAG
Punjab accepts notice on behalf of respondents No.1 to 3.

Mr.G.S.Nagra, Advocate accepts notice on behalf of respondent
No.4 being caveator. Caveat discharged.

On hearing the counsel for the parties relating to the merits of
the case and on perusal of the order passed by the Revenue authorities as
also that of the Financial Commissioner, Punjab dated 27.8.2018 (Annexure
P-8), this Court is satisfied that the said order cannot sustain keeping in
view the fact that FIR, which was registered against the petitioner, was for
petty offences and that too in the year 2005 and the order of acquittal dated
17.03.2006 (Annexure P-1) passed by the Sub Divisional Judicial
Magistrate, Phagwara which indicates that they have been charge sheeted
wrongly as none of the injured persons has identified the petitioner who had

inflicted injuries upon them, rather the stand of the injured persons was that

the persons with muffled faces, who had inflicted injuries on their person, could not be identified by them. They further proceeded to state that the accused including the petitioner, who were present in Court, are not the persons who inflicted such injuries to them. As regards the availability of the petitioner, suffice it to say, merely because he is running an *Aata Chakki*, cannot be a ground for holding him ineligible for appointment to the post of *Lambardar* and every other aspects are kept open to be considered by the competent Authority i.e. Collector Kapurthala.

Although choice of the Collector should not be generally interfered with and that too in a light manner as has been asserted by the counsel for respondent No.4 but in the present case, this Court is satisfied that there is requirement of interference as there is perversity and conclusions have been drawn by the Collector on wrong assumptions and misinterpretation of facts and law which have been referred to above.

With the above observations and without further commenting upon the merits of the candidates, order dated 27.8.2018 (Annexure P-8) passed by the Financial Commissioner (Appeals), Punjab is hereby set aside. The matter is remanded back to the District Collector, Kapurthala for fresh decision. The parties are directed to appear before District Collector, Kapurthala on 4.7.2019.

The District Collector shall thereafter proceed to decide the appointment to the post of *Lambardar* within a period of four months.

27.5.2019
Meenu

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No