

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

104

CIVIL WRIT PETITION NO.10752 OF 2017

DATE OF DECISION: JULY 08, 2019

Birender Singh

.....Petitioner

VERSUS

Financial Commissioner, Haryana and others

....Respondents

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

Present: Mr. Sanjeev Sharma, Sr.Advocate with
Mr. P. R. Yadav &
Mr. Sandeep Singh, Advocates,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

Mr. Keshav Pratap Singh &
Mr. Sudhir Rana, Advocates,
for respondent No.4.

Mr. Rajesh Arora, Advocate,
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

I have heard learned senior counsel for the petitioner and also the learned counsel for private respondents and with their assistance have gone through the impugned order dated 06.02.2017 (Annexure P-3) passed by the Financial Commissioner, Revenue, Haryana, whereby the case has been remanded for fresh decision to the District Collector, Gurgaon, who did not find any illegality in the said order except for the limited aspect wherein it has been said that the District Collector is also free to go into for

fresh proclamation to start the process for appointment of Lambardar denovo, which, in the considered view of this Court would not be correct as the proclamation has not been found to be faulty in any manner and the limited order which has been passed by the Financial Commissioner is with regard to non-consideration on merits of the candidature of the applicants before the District Collector while passing the order. Although the learned senior counsel for the petitioner has referred to the findings which have been recorded by the District Collector in the order dated 13.01.2015 (Annexure P-3) but keeping in view the fact that the matter has been remanded to the District Collector for fresh decision, the said findings cannot be said to be final in any manner as the District Collector has to, as per the order of remand, reconsider the merits and eligibility of the candidates afresh and to pass appropriate orders.

At this stage, learned counsel for the parties have asserted that direction may be issued to the District Collector to dispose of the matter on remand at an early date.

In view of the fact that the proclamation was issued in the year 2011 and the matter has been pending with the authorities without finalization, therefore it would be appropriate to direct the District Collector to proceed to decide the case at an early date but not beyond a period of five months from the date of receipt of copy of the order and the appearance of the parties. It is so ordered.

Parties who are present here i.e. the petitioner as well as respondent Nos.4 and 5 shall appear before the District Collector, Gurgaon, on 17.07.2019.

Copy of the order be given *dasti* under the signatures of Bench

Secretary of this Court to counsel for the State for conveying this order to the District Collector, Gurgaon.

With the above observations, the petition stands disposed of.

July 08, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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