

**CWP No. 28156 of 2019
Date of Decision: 30.09.2019**

Gurjant Singh

... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

... Respondents

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

Present:- Mr. Sandeep Khunger, Advocate with
 Ms. Ramneek Kaur Sandhu, Advocate
 for the petitioner.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Challenge in this writ petition is to the order dated 16.07.2018 (Annexure P-4) passed by the Financial Commissioner (Appeals), Punjab-respondent No.1, order dated 06.08.2015 (Annexure P-3) passed by Commissioner, Ferozepur Division, Ferozepur-respondent No.2 and the order dated 10.02.2014 (Annexure P-2) passed by the District Collector-cum-Deputy Commissioner, Ferozepur-respondent No.3, whereby respondent No.4-Agwan Singh was appointed as Lambardar, which order has been upheld by the Appellate as well as the Revisional Authority.

Learned counsel for the petitioner states that the applications for appointment to the post of Lambardar of Village Macchiwara (Patti Rajputana) were called for by the Collector, Ferozepur. In response thereto, six candidates had applied for the said post. The petitioner was initially appointed as a Lambardar on 21.10.2008 which was challenged by Agwan Singh-respondent No.4 (now deceased) before the Commissioner, Ferozepur Division, Ferozepur who allowed the said appeal vide order

dated 20.08.2009 and appointed respondent No.4-Agwan Singh as Lambardar. The appointment of respondent No.4 was challenged by the petitioner before the Financial Commissioner (Appeals), Punjab, which was allowed on 03.02.2010 by setting aside the order passed by the Commissioner, Ferozepur Division, Ferozepur whereby petitioner was again appointed as Lambardar. This order was challenged by respondent No.4-Agwan Singh by filing CWP No. 9948 of 2010 which was allowed by this Court vide order dated 15.03.2012 and remanded the case back to the Collector for fresh decision. Petitioner preferred an appeal before the Division Bench being LPA No.505 of 2012 vide which although the order of learned Single Judge was upheld but the petitioner was allowed to continue as Lambardar of the Village till afresh selection process is carried out by the Collector, Ferozepur.

The Collector, Ferozepur proceeded to appoint respondent No.4-Agwan Singh (now deceased) as Lambardar of the Village which order was challenged by the petitioner before the Commissioner, Ferozepur Division, Ferozepur wherein the appeal was dismissed leading to filing of a revision petition before the Financial Commissioner (Appeals), Punjab, where order dated 16.07.2018 (Annexure P-4) was pronounced but the order was prepared on 17.01.2019 and delivered on 25.01.2019. In the interregnum, respondent No.4-Agwan Singh died on 02.11.2018.

Learned counsel for the petitioner submits that as there were only two candidates fighting for the post of Lambardar because the other candidates had given up their claim for appointment as neither any appeal was filed nor any revision preferred by them rather those candidates had given statements in favour of the petitioner and thus, the petitioner deserves

to be appointed as Lambardar in the light of the facts and circumstances of the present case. He further prays that the impugned orders be set aside and the petitioner be appointed to the post of Lambardar.

This contention of the learned counsel for the petitioner cannot be accepted in the light of the Division Bench Judgment of this Court in *Shamsher Singh Vs. Financial Commissioner (Revenue) Haryana, 1998 (2) R.C.R. (Civil) 474* where the Division Bench of this Court has held that on the death of a candidate during the pendency of the proceedings, the proceedings should be started de novo. In the light of the settled proposition of law, no orders in favour of the petitioner can be passed.

The writ petition, therefore, stands dismissed.

The respondent-Collector, Ferozepur Division, Ferozepur, if, has already not initiated the fresh process of appointment to the post of Lambardar, shall do so within a period of one month from today. It goes without saying that the petitioner, if applies for the said post, his claim be considered as per law.

30.09.2019

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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No