

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.126

CWP-4316-2020 (O&M)
Date of decision : 17.2.2020

Pawan Kumar

..... Petitioner

VERSUS

The Financial Commissioner, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohit Chaudhary, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Vide order dated 4.9.2013 (Annexure P-1), the Collector appointed respondent No.3 as a Lambardar. This order was set aside in an appeal filed by the petitioner before the Divisional Commissioner, who remanded the matter for a fresh decision. However, the order of the Divisional Commissioner has been set aside by the learned Financial Commissioner.

Learned counsel for the petitioner submits that respondent No.3 has been appointed as a Conductor in the Haryana Roadways on 14.12.2018. This fact has not been noticed by the learned Financial Commissioner, although, a specific affidavit in this regard was filed before him. Being a regular Government employee, respondent No.3 would not be in a position to carry out duties of a Lambardar and thus, the order of the learned Commissioner vide which he had set aside the order of the Financial Commissioner, is erroneous.

From the contentions of learned counsel for the petitioner, it is evident that respondent No.3 was not in Government service on the date of his appointment as Lambardar i.e. 4.9.2013. The employment has been taken five years later as according to the petitioner, respondent No.3 was

appointed as a Conductor on 14.12.2018. If, holding of Government employment is a ground for removal, the petitioner can move an appropriate application for seeking removal of respondent No.3. Subsequent, employment cannot be taken as a ground for non-suiting him for the post of Lambardar.

Thus, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

17.2.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No