

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No. 814 of 2020 (O&M)
Date of decision:- 04.12.2020

Gurdeep Singh

.....Appellant

Versus

Financial Commissioner (Revenue) Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Sherry K.Singla, Advocate, for the appellant.
Mr. Amarjit Markan, Advocate with
Mr. Kanwal Goyal, Advocate,
for the caveator-respondent No.4.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This is an intra-court appeal under Clause X of the Letters Patent against an order and judgment dated 04.03.2020 vide which the writ petition preferred by the appellant has since been dismissed.

The dispute concerns appointment to the office of Lambardar.

Vide order dated 28.08.2012 passed by the District Collector, Fatehgarh Sahib, appellant (Gurdeep Singh) was appointed as Lambardar. However, the appeal preferred against the said order by respondent No.4 (Jaspal Singh) was accepted by the Divisional Commissioner, Patiala, vide order dated 26.11.2013 and after setting aside the appointment of the appellant, the matter was remitted to the District Collector for decision afresh. Being aggrieved, the appellant assailed that order by way of appeal, which was dismissed, vide order dated 15.01.2016, by the Financial Commissioner. Whereafter, the appellant assailed the orders dated 26.11.2013 and 15.01.2016 (ibid) vide a writ petition, which as indicated above, has since been dismissed.

For a co-ordinate Bench on 24.11.2020 was informed that pursuant to the orders passed by the authorities remitting the matter to the District Collector, the proceedings were at an advance stage and were likely to be concluded soon, the matter was posted for today.

However, today, learned counsel for the appellant sought to argue the matter on-merits, but after a while confined his grievance only to the extent that learned Single Judge, while dismissing the writ petition has recorded decisive observations and findings on-merits, which in all probabilities would prejudice the mind of authority and shall severely affect his claims and interest.

Having heard learned counsel for the parties and perused the records, we deem it expedient to dispose of the appeal with an observation and clarify for vide impugned order and judgment, the learned Single Judge merely affirmed the orders dated 26.11.2013 and 15.01.2016, whereby the authorities had remitted the matter to the District Collector for decision afresh, the findings/observations recorded by the learned Single Judge are neither binding nor conclusive in nature and the District Collector, who is in seisin of the dispute, shall be free to decide the matter purely on the basis of the material on record and strictly in accordance with law.

With these observations, the appeal stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.12.2020
ravinder

Whetherspeaking/reasoned	Yes/No
Whetherreportable	Yes/No