

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17897 of 2016

Date of Decision: January 23, 2020

Sukhwant Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner

Mr. Vikas Mohan Gutpa, Addl. A.G. Punjab

None for respondent No. 5

Sudhir Mittal, J. (Oral)

Status report by way of short affidavit of respondent No. 4 Pardeep Kumar Aggarwal, District Collector, Ludhiana has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

According to the contents thereof, the fault lies in the office of learned Deputy Commissioner. Stay order dated 31.08.2016 passed by this Court was ignored on account of the aforementioned fault. Accordingly, the erring official has been identified and regular departmental proceedings have been initiated against him.

Vide order dated 09.07.2012, the petitioner was appointed as Lambardar pursuant to recommendations made by the Assistant Collector and Sub Divisional Magistrate. The revision filed by respondent No. 5 was dismissed

vide order dated 22.01.2013. In a further revision carried before the Financial Commissioner, learned Financial Commissioner has reversed the orders of the authorities below vide his order dated 26.04.2016 and has directed a fresh Munadi to be done.

Learned counsel for the petitioner submits that the petitioner had been rightly appointed by the learned Collector. The choice of the Collector should prevail unless there is any perversity in the order. No perversity exists and, thus, the learned Financial Commissioner was in error in allowing the revision petition.

Learned State counsel submits that application of the petitioner was received after the prescribed date and thus, revenue staff could not have entertained the said application. Thus, appointment of the petitioner is illegal. Moreover, the learned Financial Commissioner has only directed remand and the petitioner will have an opportunity to apply once again after a fresh Munadi is conducted.

From the aforementioned facts as well as perusal of the impugned order it is apparent that the Munadi done at the first instance was improper. Had this not been the case, the petitioner would have also been able to apply within prescribed time. Thus, there is no error in the order of the learned Financial Commissioner directing fresh proceedings after conducting a fresh Munadi. No prejudice has been caused to the petitioner by the impugned order.

The writ petition is without any merit and the same is, accordingly, dismissed.

January 23, 2020
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[SUDHIR MITTAL]
JUDGE

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