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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 774 of 2020

Date of Decision: 2nd November, 2020

Jatinder Singh

....Appellant

VERSUS

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Ankur Bansal, Advocate for the Appellant.

Dr. S. Muralidhar, J.

1. This is an appeal directed against an order dated 13th October, 2020 of the learned Single Judge dismissing the Appellant's writ petition CWP No. 16413 of 2020.

2. In the aforesaid writ petition, the Appellant had challenged an order dated 20th January, 2020 passed by the Financial Commissioner (Appeals), Punjab ('FCA') dismissing the appeal filed by the Appellant under Section 13 (c) of the Punjab Land Revenue Act, 1887 (hereinafter, 'Act') against an order dated 29th August, 2017 of the Commissioner, Jalandhar Division ('Commissioner'). The Commissioner, Jalandhar had by the order dated 29th August, 2017, in an appeal filed by the Respondent No. 4 Surinder Singh (RACA 18 of 2016) under Section 13 (b) of the Act, appointed Respondent No. 4 as 'Lamberdar' of village Fattu DHINGA, Tehsil and District Kapurthala.

3. Before the learned Single Judge, it was *inter alia* argued on behalf of the Appellant that an opportunity of hearing on merits was not given to him by the Commissioner as he was not impleaded as a party in the appeal (RACA 18 of 2016) filed by Respondent No.4 Surinder Singh before the Commissioner against

the order dated 29th January, 2016 of the Collector, Kapurthala ('Collector'), by which the Collector had remanded the matter for fresh proclamation for the post of Lamberdar.

4. The fact of the matter, as noted by learned Single Judge, is that the Appellant did not chose to agitate his rights by filing an appeal before the Commissioner under Section 13 (b) of the Act against the order dated 29th January, 2016 of the Collector. The learned Single Judge, while observing that although the FCA had dismissed the Appellant's appeal under Section 13 (c) on the ground that there were two criminal proceedings pending against the Appellant, found that the Appellant had virtually given up his challenge on merits to the appointment and woken up very late by filing an appeal before the FCA only on 12th February, 2018.

5. Having heard learned counsel for the Appellant, the Court is not inclined to interfere with the impugned order of the learned Single Judge for the reason that once the Appellant accepted the order dated 29th January, 2016 of the Collector by not filing an appeal before the Commissioner, he cannot not complain that the Commissioner had not given him an opportunity of being heard on merits, before passing the order dated 29th August, 2017.

6. The Court sees no grounds to have been made out for interference with the impugned order dated 13th October, 2020 of the learned Single Judge. Accordingly, the appeal is dismissed.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

2nd November, 2020
Satyawan

Whether speaking/reasoned Yes/No

Whether reportable Yes/No