

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-16499-2020 (O&M)

Date of decision : 15.10.2020

Chinder Pal

..... Petitioner (s)

Versus

Financial Commissioner, Revenue, Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gurdarshan Singh Sidhu, Advocate
for petitioner.

Mr. Sanjay Mittal, Additional A.G. Haryana.

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HARINDER SINGH SIDHU, J.

CM-10585-CWP-2020

The case is taken up through video conferencing on account of
COVID 2019.

Application is allowed. Annexure P-6 is taken on record.

CWP-16499-2020

Petitioner has filed this petition praying for setting aside the order dated 2.1.2018 (Annexure P-1) passed by respondent No. 3 (Deputy Commissioner-cum-District Collector, Sirsa, District Sirsa) whereby petitioner has been removed from the post of Lambardar of village Budha Bhana. He has also assailed the order dated 4.9.2018 (Annexure P-2) passed by respondent No. 2 (Commissioner, Hisar Division, Hisar) whereby appeal filed by petitioner against order dated 2.1.2018 has been dismissed as also order dated 30.4.2019 (Annexure P-3) passed by respondent No. 1 (Financial Commissioner (Revenue), Haryana whereby revision petition of petitioner has been dismissed.

Petitioner was appointed as a Lambardar of the Backward Class in village Budha Bhana vide order dated 6.3.2013 (Annexure P-6). Respondent No. 4 filed a complaint against petitioner stating that in his application for the post of Lambardar, the petitioner had attached forged matriculation and 10+2 certificates. Respondent No. 3- the Collector vide the impugned order accepted the allegations in the complaint. He concluded that the petitioner had submitted wrong certificates of his educational qualifications and tendered wrong statement that he was educated upto 10 + 2 and obtained the position of Lambardar. He was ordered to be removed. Approval was granted to initiate the file for appointment of new Lambardar for Backward Class in Village Budha Bhana. His appeal and revision against the aforesaid order were dismissed whereafter the present writ petition was filed.

Learned counsel for petitioner has argued that Collector in his order had wrongly relied on the report obtained from Haryana School Education Board, Bhiwani whereas the petitioner had passed matriculation from Haryana Open School Board. He had also appeared in 10+2 examination in the Haryana Open School Board but not cleared it. It is the case of petitioner that in his application for the post of Lambardar he has shown himself as matriculation passed and that he had appeared for 10+2. He states that stand of petitioner has been vindicated in two inquiries (Annexure P-4 and Annexure P-5) conducted by the SDO (Civil) Sirsa and SDO (Civil) Ellenabad wherein it has been found that the petitioner has indeed passed matriculation from Haryana Open School Board and had appeared in 10+2 examination conducted by Haryana Open School Board and that the certificates submitted by him were found to be genuine. These inquiry reports were wrongly ignored by the respondents while passing the impugned orders.

Learned Counsel for the petitioner may be right in his

submissions but what is significant is and as has been noticed in the order Annexure P-3 passed by the Ld. Financial Commissioner is that at the time of selection the Collector had considered the petitioner as having passed 10+2. Two of the other applicants for the post were graduates and one of them was 10 +2 passed. Thus at the time of his appointment his education qualifications had been wrongly assessed. Accordingly there is no infirmity in the impugned orders removing the petitioner from the post of Lambardar and directing initiation of the process afresh. The Ld. Financial Commissioner has infact clarified that the petitioner can again apply for the post of Lambardar when the process of appointment of Lambardar is started afresh and his candidature shall not be disregarded merely on the ground that he had been dismissed by the Collector.

I find no infirmity in the order of the Ld. Financial Commissioner which is fair and equitable. However, observations made in the impugned orders of the Collector and the Commissioner that petitioner has submitted forged and fabricated documents for securing his appointment as Lambardar are expunged.

With the aforesaid observations, petition is disposed of.

October 15, 2020
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No