

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.244 of 2017 (O&M)

Date of Decision: 04.03.2020

Harinder Singh

..... Appellant

V/s.

Financial Commissioner (Appeals) Punjab, Civil Secretariat, Chandigarh
and others.

....Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vikas Mehsempuri, Advocate, for the appellant.

Ms. Ambika Sood, Deputy Advocate General, Punjab

Mr. Sherry K. Singla, Advocate, for respondent No. 4.

RAKESH KUMAR JAIN, J. (ORAL)

The following order was passed by this Court on 17.02.2017 at
the time of preliminary hearing:-

*“The only grievance of the appellant is that
matter ought to have been remanded back to
Financial Commissioner to save time and no
fruitful purpose would be served by remanding
it back to the Collector. It is not disputed that
the appellant was the choice as a Lambardar by
the Collector and the other authorities.”*

Notice of motion for 6.4.2017.

*In the meantime, engagement of the appellant
as a Lambardar shall not be disturbed.”*

Counsel for the appellant and respondent No. 4 have jointly
stated that the case may be remanded back to the Financial Commissioner
with a direction to himself appoint suitable candidate as Lambardar instead
of remanding the case back to the Collector.

In view thereof, the present appeal is allowed, orders of the learned Single Judge as well as of the Financial Commissioner are set aside and the case is remanded back to the Financial Commissioner with a direction to decide the appointment of Lambardar and also the question of encroachment, if any, after giving an opportunity of hearing to both the parties.

Parties are directed to appear before the Financial Commissioner, on
31.03.2020

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

04.03.2020

Vivek

<i>Whether speaking /reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>