

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

Sr. No.113

**CWP No.35776 of 2019
DECIDED ON: January 13, 2020**

JASWINDER SINGH

..PETITIONER

VERSUS

**THE FINANCIAL COMMISSIONER (APPEALS), PUNJAB AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Piyush Khanna, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was recommended by the Tehsildar and the Sub-Divisional Magistrate for appointment as Lambardar. However, the Collector appointed respondent No.4 as Lambardar vide order dated 23.02.2016. The appeal of the petitioner was allowed vide order dated 02.01.2017 and the learned Commissioner appointed him as Lambardar. However, in revision carried by respondent No.4, the order of the learned Commissioner has been upset and the matter has been remanded to the Collector for a fresh decision.

2. Learned counsel for the petitioner submits that the learned Commissioner had considered all aspects of the matter while deciding the appeal and thus, there was no occasion for the Financial Commissioner to interfere.

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3. The Collector is the most appropriate authority to decide the issue of Lambardari based on all the inputs available with him. The learned Financial Commissioner has remanded the case to the Collector for a fresh decision and I do not find any error in this action taken by him. The Collector will decide the case afresh after examining the comparative merits of the candidates and no prejudice is caused to either party.

4. Accordingly, the writ petition has no merit and the same is dismissed. It is, however, clarified that while deciding the case afresh, the observations of the learned Financial Commissioner regarding consideration of hereditary claim shall be ignored.

January 13, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No