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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2087 of 2021 (O&M)
Date of Decision: 24.02.2021

Surinder Singh

.... Petitioner

Versus

Financial Commissioner Revenue, Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rai Singh Chauhan, Advocate for the petitioner.

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MAHABIR SINGH SINDHU, J.

Present writ petition is filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 06.01.2021 (P-12), passed by respondent No.1-Financial Commissioner Revenue, Punjab, whereby the application for transfer of the review petition pending before respondent No.3-Commissioner Roop Nagar has been rejected.

Contends that transfer application is purported to have been decided through Video-Conference hearing, but the petitioner was never intimated about the date fixed. It is also the contention that MLA of the Constituency is interfering in the matter pending before respondent No.3, thus, the petitioner would suffer an irreparable loss on account of political interference.

Heard learned Counsel for the petitioner and perused the paper-book.

It transpires that respondent No.2-Commissioner, Patiala Division, Patiala, vide communication dated 25.02.2014 created new post of *Lambardar* (General Category) for Village Mulepur, Tehsil and District Fatehgarh Sahib and process for filling up the above said post was initiated by the Assistant Collector 2nd Grade (Tehsildar), Fatehgarh Sahib. Total five candidates including petitioner as well as respondent No.6-Gursev Singh submitted their applications, but one Sukhchain Singh did not appear and he was proceeded *ex parte.*

After taking into consideration the comparative merits of the remaining four candidates, name of the petitioner was recommended by the Assistant Collector 2nd Grade (Tehsildar) and case was forwarded to the Assistant Collector 1st Grade-cum-Sub Divisional Magistrate, who in turn as per report dated 25.05.2015 (P-2) recommended the petitioner for appointment as a *Lambardar* of the Village Mulepur. Ultimately, respondent No.4-Deputy Commissioner-cum-Collector being the competent authority appointed the petitioner as a *Lambardar*, vide order dated 07.07.2015 (P-3).

Thereafter, respondent No.6 filed review petition against the above said order on 17.07.2015, but the petitioner apprehending something wrong filed transfer application before respondent No.1-Financial Commissioner Revenue on 13.07.2016, which was allowed on 07.09.2016. As a result thereof, the review petition filed before respondent No.4-Deputy Commissioner-cum-Collector, Fatehgarh Sahib was ordered to be transferred to respondent No.5-Deputy Commissioner-cum-Collector, Roop Nagar and parties were directed to appear on 24.10.2016.

After hearing both sides, Collector, Roop Nagar dismissed the review petition of respondent No.6, vide order dated 21.07.2017 (P-5) and *Sanad Lambardari* (appointment order) for the post of *Lambardar* was issued in favour of the petitioner on 21.07.2017 (P-6) and since then, he is performing the duties of *Lambardar*.

Aggrieved against the above order as well as order dated 07.07.2015, respondent No.6 preferred an appeal under Section 13 of the Punjab Land Revenue Act, 1887 (*for short 'Act of 1887'*) before respondent No.3-Commissioner, Roop Nagar and which was also dismissed, vide order dated 11.10.2019 (P-8).

Against the above order, respondent No.6 filed RA No.51 dated 05.11.2019 and apprehending the interference by the local MLA, petitioner filed transfer petition bearing TA No.2019/Misc./112 on 20.11.2019 (P-10), which came up for hearing on 22.11.2019 (P-11) and passing of final order was stayed, but ultimately, the same has been dismissed on 06.01.2021.

Learned Counsel for the petitioner is not able to show about the progress of the case w.e.f. 22.11.2019 to 06.01.2021 despite the order of co-ordinate Bench, passed on 29.01.2021, which reads as under:-

> "*Learned counsel for the petitioner will find out which were the two dates prior to final order dated 06.01.2021 (Annexure P-12) as the last order placed on record by him is dated 22.11.2019 (Annexure P-11) and almost after a period of more than a year, application for transfer was pending.*
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> *List on 24.02.2021."*

Even the ground of political interference at the hands of local MLA was duly considered by respondent No.1 while passing the impugned order and para 4 of the same being relevant is extracted as under:-

> *"I have considered the grounds of the transfer application. It is seen that both the contestants keep on filing transfer applications without reasonable cause to delay the conclusion of applications filed by either side. It is obviously an abuse of the legal process. Allegations of the political pressure on the Presiding Officer, without any substantial proof, cannot be considered as valid reason. This stated apprehension is very vague and general in nature and can be levelled against any authority and in the considered opinion of this court are objectionable and amount to disrespect of the Presiding Officer of the Court. Moreover, locations cannot be repeatedly changed to suit either of the litigants. It also unnecessarily wastes the time of the courts."*

Still further, in para 5 of the impugned order, respondent No.1 observed that petitioner has not attached copy of orders, passed by the District Collector, Fatehgarh Sahib as well as Roop Nagar and earlier order(s), passed by the then Financial Commissioner Revenue, Punjab.

Even otherwise, in view of Section 12 of the Act, respondent No.1 is empowered to distribute business; withdraw and transfer of case pending before the revenue officer, if he thinks fit. In para 4 extracted hereinabove, respondent No.1 has categorically observed that allegation of political pressure on the Presiding Officer is without any substance and thus, cannot be considered as a valid reason. It is further observed that apprehension is vague of general in nature, thus, the allegations amount to disrespect of the presiding officer and the matter cannot be transferred according to the suitability of the litigant(s).

This Court is fully agreeable with the reasoning recorded by the Financial Commissioner Revenue being legal and valid.

There is no material available on recorded to substantiate the allegation of political interference at the hands of the local MLA. In the opinion of this Court, apprehension of the petitioner is based only on conjecture, which has rightly been rejected by respondent No.1, thus, there is no occasion to cause any prejudice to his case in any manner.

In view of the above, this Court has no option except to dismiss the present petition.

Ordered accordingly.

February 24th, 2021 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*