

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

CWP No.6364 of 2021 (O&M)

Date of Decision: 26.03.2021

Gurcharan Singh

..... Petitioner

Versus

Financial Commissioner Haryana,
Department of Printing and Stationery, Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Bhag Singh, Advocate for the petitioner.

Mr. Hemraj Bhardwaj, Advocate for the caveator/respondent No.2.

MAHABIR SINGH SINDHU, J.

Present writ petition has been 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 09.12.2020 (P-3), passed by the Financial Commissioner, Haryana (respondent No.1), vide which order dated 16.08.2017 (P-2) of the Commissioner, Ambala as well as order dated 29.08.2014 (P-1), passed by the Collector, Ambala, appointing the petitioner as *Lambardar* (General Category) of the Village Barola, Tehsil & District Ambala, were set aside and Collector is directed to appoint respondent No.2-Har Mohinder Singh as *Lambardar* of the Village.

Contentends that respondent No.1 committed grave error of law while passing the impugned order and straightway issued directions to the Collector to appoint respondent No.2-Har Mohinder as a *Lambardar* of the Village.

Notice of motion.

Mr. Hemraj Bhardwaj, Advocate, who is present through Video-Conference, accepts notice on behalf of the Caveator/respondent No.2 and fairly states that part of the impugned order to the effect that “*the Collector is directed to appoint the petitioner Lambardar of the Village*” is indefensible in law and at best, respondent No.1 could have remitted the matter back to the Collector for fresh adjudication.

In response thereto, learned Counsel for the petitioner submitted that he has no objection if above quoted part of the order is set aside and the matter is remanded back to the Collector for fresh adjudication; however, he further submitted that petitioner be allowed to continue as *Lambardar* of the Village till final decision is taken by the Collector.

Aforesaid submission made on behalf of the petitioner is duly acceptable to learned Counsel for the caveator/respondent No.2.

In view of the agreed stand taken by both sides, but without going into the merits of the controversy, the part of the impugned order i.e. “*the Collector is directed to appoint the petitioner Lambardar of the Village*” is set aside; matter stands remitted to the Collector, who shall decide the same afresh in accordance with law expeditiously, without being influenced by the observations made above and till final adjudication, petitioner shall continue as a *Lambardar* of the Village.

Disposed off accordingly.

March 26th, 2021

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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