

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.116

LPA-77-2021 (O&M)
Date of Decision: 27.01.2021

PAWAN KUMAR

....APPELLANT

VS

THE FINANCIAL COMMISSIONER, HARYANA AND
OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohit Chaudhary, Advocate,
for the appellant.

AJAY TEWARI, J. (Oral)

1. This appeal has been filed against the judgment dated 17.02.2020 passed by the Ld. Single Judge dismissing a petition filed by the present appellant.

2. Brief facts of the case are that the post of Lambardar of Village Unispur, Tehsil Nilokheri, District Karnal. On 04.09.2013, the Collector appointed respondent No.3 as Lambardar of Village Unispur of Backward Caste category. The appellant challenged the same before the Commissioner who accepted the appeal and set aside the appointment of respondent No.3 and remanded the case back. That order was challenged by the respondent No.3 by way of revision before the Financial Commissioner, Haryana who set aside the order of the Commissioner and thereby upholding the order passed by the

Collector appointing respondent No.3 as Lambardar. However,

during the pendency of the revision before the Financial Commissioner the respondent No.3 appointed as Conductor and it was on this ground that the instant writ petition was filed praying that the order of the Financial Commissioner be set aside and the matter be remanded back for fresh decision. The Ld. Single Judge held that there was no fault in the order of the Financial Commissioner and further went on to hold that the fact that respondent No.3 had been appointed as Conductor in the Haryana Roadways in the year 2018 could not defeat the right which had accrued to him in the year 2013 when he was originally appointed as Lambardar. The Ld. Single Judge further opined that if the appointment of respondent No.3 as Conductor was a ground for removing him as Lambardar it would be open to the appellant to move an appropriate application for seeking removal of respondent No.3.

3. We find no reason in the reasoning of the Ld. Single Judge. Consequently, the appeal is dismissed.
4. Since the main case has been dismissed the pending miscellaneous application, if any, also stands dismissed.

[AJAY TEWARI]
JUDGE

[RAJESH BHARDWAJ]
JUDGE

January 27, 2021
ashish

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No