

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

Sr. No.122

**CWP-23820-2021 (O&M)
Date of decision : 24.11.2021**

Resham Singh

..... Petitioner

VERSUS

Financial Commissioner, Revenue, Punjab Civil Secretariat, Chandigarh and
others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Pathania, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was a candidate for the post of Lambardar. His candidature was recommended by the lower revenue authorities, but the Collector appointed respondent No.4 as Lambardar. Two appeals were filed against the order of appointment, one by the petitioner and other by respondent No.5. Appeal filed by respondent No.5 was dismissed and that filed by the petitioner was allowed. He was appointed as Lambardar. The order of the Commissioner was challenged by respondents No.4 and 5 and both the revision petitions have been dismissed, however, a direction has been given to the Collector to start proceedings afresh.

Learned counsel for the petitioner has submitted that directions to commence proceedings afresh are illegal. He relies upon a Division Bench judgment of this Court in Gurlal Singh Vs. Financial Commissioner (Revenue) Punjab and others, 2008 (4) RCR (Civil) 792.

A perusal of the said judgment shows that the Division Bench

Revenue Act, 1887, the Financial Commissioner can remand the case for starting proceedings afresh only in two situation:- (a) the proper procedure was not followed and (b) none of the parties is eligible or suitable.

In the instant case, the Financial Commissioner has returned a finding that none of the parties were suitable and thus, he did not commit any error in remanding the matter for afresh decision.

In view of above, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

24.11.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No