

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

CWP-20122-2021

Date of Decision:04.10.2021

Ram Dass

....Petitioner

VS

The Financial Commissioner (Appeals) Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Surinder Sharma, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner was appointed as Lambardar by the Collector, however, appeal filed by the private respondent succeeded. The Commissioner set aside the order of appointment and remitted the matter for a fresh decision. Further, appeal preferred by the petitioner has been dismissed.

A perusal of the order of the Financial Commissioner shows that FIR No. 90 dated 10.04.2014 under Sections 323, 324, 326 and 342 IPC had been registered against the petitioner but was quashed by the High Court. Against the private respondent there were two FIRs i.e. FIR No. 86 dated 19.06.2009 and FIR No. 127 dated 17.05.2012 in which the private respondent was ultimately acquitted.

Learned counsel for the petitioner has argued that the FIR registered against the petitioner had been quashed on the basis of compromise before applications for the post of Lambardar were invited. Thus, the Commissioner was in error in setting aside his appointment. The private respondent has been acquitted after full trial and, thus, comparatively the petitioner is a better candidate.

The Commissioner has set aside order of the petitioner on the ground of criminal antecedents. It makes no difference whether the FIR is registered against him was pending on the date of the application or not. Quashing of FIR on the basis of compromise does not absolve the petitioner so far as appointment to the post of Lambardar is concerned because the fact remains that he had committed a crime and is not a clean person. Thus, the Commissioner was justified in setting aside the appointment. For the same reason order of the Financial Commissioner also can not be faulted.

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

(SUDHIR MITTAL)
JUDGE

04.10.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No