

CWP-21828-2021

Date of Decision: 28.10.2021

Pardeep Kumar

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

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SUDHIR MITTAL, J. (Oral)

The petitioner was a candidate for the post of Lambardar. The Collector, however, appointed respondent No. 4. The petitioner filed an appeal against the order of appointment which succeeded. Matter was remanded to the Collector for a fresh decision. Respondent No. 4 challenged the order of the appellate authority /Commissioner, Rohtak Division, Rohtak by way of a revision before the Financial Commissioner which has been allowed. The order of the Commissioner has been set aside and that passed by the Collector has been restored.

A perusal of the order of the Financial Commissioner shows that the reasons given for allowing the revision petition are -

- (i) Choice of Collector must be respected unless it is shown to be perverse and;
- (ii) There are serious allegations of cheating against the petitioner which are borne out from the fact that he has admitted return of Rs. 2,60,000/- to one Fateh Singh after police intervention.

Learned counsel for the petitioner has submitted that the Commissioner had found order of the Collector to be perverse and, thus, the

Financial Commissioner was in error in holding to the contrary.

A perusal of the order of Commissioner shows that he has remanded the case only on account of the fact that there are allegations and counter allegations against the parties. Nothing has been stated therein which may show that the order of the Collector was perverse. Thus, the Financial Commissioner was justified in setting aside the order.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

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| <b>28.10.2021</b> |                           | <b>( SUDHIR MITTAL )</b> |
| <i>reena</i>      |                           | <b>JUDGE</b>             |
|                   | Whether speaking/reasoned | Yes/No                   |
|                   | Whether Reportable :      | Yes/No                   |