

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

**CWP-23092-2021
Date of decision-15.11.2021**

Manjobanpreet Singh

...Petitioner

Vs.

Financial Commissioner Revenue Punjab Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Aneja, Advocate for the petitioner.

Mr. Vikas Mehsempuri, Advocate for caveator-respondents.

SUDHIR MITTAL, J. (Oral)

The petitioner was a candidate for the post of 'Lambardar'. The Collector, however, has appointed respondent No.4 as such. Being aggrieved, the petitioner preferred an appeal which was allowed and the order of the Collector was set aside. Petitioner was appointed as 'Lambardar'. The Commissioner's order was challenged by respondent No.4 in an appeal before the Financial Commissioner and the said appeal has been allowed. The order of the Collector has been restored.

Learned counsel for the petitioner has submitted that the finding of the Collector as well as the Financial Commissioner that the petitioner was involved in stubble burning is without evidence. It is based only on the report of a Patwari and thus, the order of the Collector being perverse was rightly

set aside by the Commissioner. Further, records of the case have not been summoned by the Financial Commissioner while deciding the appeal and merits and demerits of the respective candidates have also not been taken into consideration.

Admittedly, the finding that the petitioner was involved in stubble burning is based on the report of a Patwari. The said report is sufficient evidence for the Collector to reject the candidature of the petitioner. Thus, the argument that the order was perverse cannot be accepted. Regarding non-summoning of the record, it is not essential for an Appellate Court to summon the record in every case especially, in matters such as the present one. Thus, this argument is also rejected. At the level of the Financial Commissioner only perversity in the order of the Collector is to be examined. Merits and demerits of the respective candidate are not to be considered.

For the aforementioned reasons, the writ petition has not merits and is dismissed.

(SUDHIR MITTAL)
JUDGE

15.11.2021

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