

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

Sr. No.226

CWP-2121-2018 (O&M)
Date of decision : 25.07.2022

Balwinder Singh

..... Petitioner

VERSUS

Financial Commissioner, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. D.S. Nigha, Advocate for
Mr. S.K. Singla, Advocate, for the petitioner.

Mr. Arun K. Kaundal, DAG, Punjab

Mr. Jatinderpal Singh, Advocate, for respondent No.4.

SUDHIR MITTAL, J. (Oral)

The petitioner was appointed as Lambardar by the Collector vide order dated 01.04.2014. Aggrieved, respondent No.4 filed an appeal which succeeded. The appointment of the petitioner was set aside and the matter was remanded to the Collector for a fresh decision. Order of the Commissioner has been upheld by the Financial Commissioner as revision filed by the petitioner has been dismissed vide order dated 11.12.2017.

Learned counsel for the petitioner submits that impugned orders are illegal and deserve to be set aside. Once a candidate has been acquitted in a criminal case, his image becomes clean and it is erroneous to hold that

the stigma of a criminal case still remains. Thus, the impugned orders are illegal and deserve to be set aside.

Learned counsel for respondent No.4 submits that there is no illegality in the impugned orders and supports his argument with the judgments passed in Kabul Singh Vs. The Financial Commissioner, Punjab 2006 (3) RCR (Civil) 313 and Inder Singh Vs. Financial Commissioner, 2015 (1) RCR (Civil) 885.

The aforementioned judgments hold that the mere factum of involvement in a criminal case is a relevant issue to be kept in mind while considering appointments of Lambardar.

For appointment to the post of Lambardar, a candidate must possess a clean image. If, he is involved in a criminal case, the image is likely to get tarnished depending upon the facts and circumstances of an individual case. Thus, even though, a candidate may have been acquitted in a criminal trial, the fact that he was involved in a criminal case must be taken into consideration by the Collector. Having failed to do so, the authorities below were justified in remanding the case for a fresh decision. This decision is supported by Kabul Singh (supra) and Inder Singh (supra) also.

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

(SUDHIR MITTAL)
JUDGE

25.07.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No