

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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**LPA-833-2022 &
CM-1985-LPA-2022 &
CM-1986-LPA-2022**

Date of Decision: September 23, 2022

JASWINDER SINGH

...APPELLANT

Versus

**FINANCIAL COMMISSIONER, REVENUE APPEALS, PUNJAB AND
OTHERS**

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

**Present: Mr. N.P.S.Mann, Advocate,
for the appellant.**

**Ms. Ishma Randhawa, Addl. A.G. Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment dated 25.08.2022 passed by the learned Single Judge, whereby the writ petition preferred by the appellant (petitioner therein) challenging the order of Financial Commissioner dated 08.02.2021 (Annexure P-9) has been dismissed, vide which the remand order, as passed by the Appellate Authority i.e. the Commissioner, Jalandhar Division, Jalandhar-respondent No. 2 vide order dated 29.11.2013 (Annexure P-6), has been upheld, whereas the observation with regard to declaring the appellant as well as the private respondent as ineligible to contest and participate in the selection process of the Lambardar at the end of the District Collector has been set aside.

It is the contention of the learned counsel for the appellant that the Financial Commissioner has not looked into the merits of the case and has not taken into consideration the fact that on two occasions, when the remand order has been passed by the authority, the appellant has been found to be the suitable person to be appointed as Lambardar and on one occasion the private respondent has been found to be the suitable person for the post of Lambardar. Even with regard to the plea of there being a criminal case registered against the appellant, he contends that the appellant had been acquitted by the trial Court. The said aspect, therefore, cannot be taken against the appellant for denying him the consideration for appointment to the post of Lambardar.

When we asked in categorical terms as to whether this aspect has been gone into by the Collector at the time of consideration of appointment of the appellant, counsel for the appellant has, very fairly, stated that this very specific aspect has not been dealt with by the Collector at the time of consideration of the case of the appellant as well as the private respondent, against whom also, there were certain criminal proceedings.

If that be so, it cannot be said that the observations of the Financial Commissioner that the matter has to be looked into in the light of and in the perception with regard to the suitability of a person to be appointed as a Lambardar with regard to the criminal antecedents, registration of the FIR as well as acquittal and the effect thereof, cannot be faulted with. This would be a relevant consideration which has been kept open for the Collector to go into and form his own opinion. The judgment, therefore, passed by the learned Single Judge as also the order passed by the Financial Commissioner, Punjab, have no illegality which would call for

any interference by this Court in exercise of its appellate jurisdiction.

The appeal, therefore, stands dismissed.

CM-1985-LPA-2022 & CM-1986-LPA-2022

In the light of the dismissal of the main appeal, these applications have been rendered infructuous and the same are disposed of as such.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ALOK JAIN)
JUDGE**

September 23, 2022
pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No