

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
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**CM-2089-LPA-2022 &  
CM-2088-LPA-2022 &  
CM-2090-LPA-2022 &  
LPA-869-2022**

**Date of Decision: September 30, 2022**

**BALWINDER SINGH**

**...APPELLANT**

**Versus**

**FINANCIAL COMMISSIONER (APPEALS) PUNJAB AND ORS.**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

**Present: Mr. Suresh Singla, Advocate,  
for the appellant.**

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**CM-2089-LPA-2022**

Prayer in this application is for condonation of delay of 36 days  
in filing the appeal.

For the reasons mentioned in the application, which is  
supported by the affidavit of the applicant-appellant, the same is allowed.  
Delay of 36 days in filing the appeal stands condoned.

**LPA-869-2022**

Challenge in this appeal is to the judgment passed by the  
learned Single Judge dated 25.07.2022, vide which the order passed by the  
Commissioner, which has been upheld by the Financial Commissioner

setting aside the appointment of the appellant as a Lambardar on the ground that there was a criminal case registered against him, although he has been acquitted but the effect thereof has not been taken note of by the Collector while considering his appointment to the post of Lambardar, was upheld.

Learned counsel for the appellant has contended that the judgments, on which reliance has been placed by the learned Single Judge as well as the Financial Commissioner, would not be applicable to the facts of the case as those were cases where the acquittal has taken place much after passing of appointment orders or during the pendency of appointment cases. In the present case, the appellant has been acquitted much prior to the date of his appointment as Lambardar. So, those aspects cannot be taken against him.

Having considered the submissions made by the learned counsel for the appellant, we are of the view that merely because there has been an acquittal in the criminal matter, it does not give a clean chit to the appellant.

It is, however, clarified that the observations of the Commissioner as well as the Financial Commissioner as also the learned Single Judge shall not be taken against the appellant in any manner. It is further made clear that merely because there was a criminal case registered against the appellant in itself cannot be a ground for not considering the case of the appellant especially when he has been acquitted prior to the date of appointment. What is required to be taken note of by the Collector is the effect of such a case having been registered and the resultant acquittal thereof.

With these clarifications, the present appeal stands disposed of.

**CM-2088-LPA-2022 & CM-2090-LPA-2022**

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

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

**(TRIBHUVAN DAHIYA)  
JUDGE**

**September 30, 2022**  
pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No