

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

Sr. No.123

**Civil Writ Petition No.26428 of 2022
Date of Decision : November 18, 2022**

Gajjan Singh

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sherry K. Singla, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was appointed as Lambardar by the Collector. This order was challenged by 4th respondent by filing an appeal which was allowed. The matter was remanded for a fresh decision. Aggrieved, the petitioner filed an appeal before the Financial Commissioner which has been dismissed. Thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that the Financial Commissioner was in error in holding that the criminal case registered against the petitioner had not been taken into consideration by the Collector. The petitioner was acquitted in the criminal case in the year 2002 whereas the process of appointment of Lambardar commenced in the year 2005. The Collector has noticed this fact and then passed an order. Thus, the order impugned is perverse and deserves to be set aside.

Having gone through the record with the help of learned counsel for the petitioner, I am of the opinion that the impugned order does not call for any interference. The Collector has brushed aside the criminal

case registered against the petitioner by observing that he was acquitted therein before the process of appointment of Lambardar started. The nature of the criminal case has not been taken into consideration nor any finding has been returned that despite the registration thereof, the character of the petitioner is unblemished. The appointing authority is required to consider this aspect of the matter also and having not done so, the order has been rightly set aside.

The writ petition has no merit and is dismissed.

November 18, 2022
Ankur

(SUDHIR MITTAL)
JUDGE

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