

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

CWP-2173-2019 (O&M)

Date of Decision: 08.12.2023

Gurshinder Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rai Singh Chauhan, Advocate, for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. Arvind Kashyap, Advocate, for respondent No.4.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing the order dated 29.10.2018 (Annexure P-4) passed by learned Financial Commissioner (Appeals), Punjab, whereby the revision petition filed by respondent No.4 was wrongly allowed and set aside the order dated 13.06.2013 (Annexure P-1) passed by the District Collector, Kapurthala and order dated 16.08.2016 (Annexure P-3) passed by the Commissioner, Jalandhar Division, Jalandhar and directed the learned District Collector to decide the matter afresh.

Adumbrated facts of the case are that for the appointment of Lambardar in village Rehana Jattan, Tehsil Phagwara, District Kapurthala, proclamation was conducted for inviting the applications from the interested candidates. In pursuance to the same, five applications were received from Gurshinder Singh (petitioner), Joga Singh, Balbir Kaur, Manjit Singh and Amarjit Singh (respondent No.4). Character verifications of all the candidate were conducted and on the appreciation of the merits and demerits of the applicants, Gurshinder Singh (petitioner) was found to be 44 years of age and graduate by qualification. Besides this, he owned 1½ acres of land. On the other hand, Amarjit Singh (respondent No.4) was found to

be 41 years of age and graduate by qualification and owned 5 acres of land in the village. Learned Collector on evaluation of the inter-se merits of all the candidates, finding petitioner to be more meritorious candidate appointed him as Lambardar of the village vide order dated 13.06.2013 (Annexure P-1). Aggrieved by the same, respondent No.4 filed an appeal before the Commissioner, Jalandhar Division, Jalandhar. Learned Divisional Commissioner after hearing both the sides finding no merit in the order passed by the Collector, dismissed the appeal vide order dated 16.08.2016 (Annexure P-3). Still aggrieved by the same, respondent No.4 filed revision before the learned Financial Commissioner, who heard both the sides and re-appreciated the record and accepted the same by remanding the case to the District Collector for decision afresh vide order dated 29.10.2018 (Annexure P-4). Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

This Court issued notice to the respondents and vide order dated 11.02.2019 interim order passed to the effect that proceedings may go on as per the order passed by the Financial Commissioner, but final order not be passed till the next date of hearing. However, this Court vide order dated 30.03.2022 vacated the interim order passed by this Court on 11.02.2019. Inadvertently, in the last order dated 06.12.2023, the interim order was extended.

Learned counsel for the parties have submitted before this Court that the learned Collector has already initiated the proceedings afresh, however, due to the grant of interim order, the final order is not passed. It has been submitted before this Court that the petition be disposed of by directing the learned Collector to pass the order in pursuance to the order passed by the learned Financial Commissioner within a specified period.

In view of the submissions made before this Court, the present petition is disposed of by upholding the order passed by the learned Financial Commissioner, wherein the Collector was directed to pass fresh order after hearing both the sides. It has been submitted by counsel for the both the sides that the learned Collector has already completed the proceedings but the final order has not been passed because of the interim order passed in the present petition.

Keeping in view the abovesaid facts and submissions made by learned counsel for the parties, learned Collector is directed to pronounce the final order in the matter within a period of four weeks from the date of receipt of certified copy of this order.

Disposed of in above terms.

08.12.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No