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

CWP-9978-2021 (O&M)

Date of decision : 15.03.2023

Paramjit Singh

...Petitioner

Versus

Financial Commissioner (Appeals) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. G.S. Nagra, Advocate and
Mr. P.S. Chahal, Advocate for respondent No.4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the order passed by the Financial Commissioner (Appeals) Punjab dated 18.01.2021, vide which, the Financial Commissioner had set aside the order of the Commissioner and the Deputy Commissioner and had appointed respondent No.4 as the Lambardar of Village Bhakhriana.

Learned counsel for the petitioner has submitted that the petitioner was appointed as the Lambardar by the Collector vide order dated 22.03.2016 (Annexure P-1) and *sanad takseem* was issued in favour

of the petitioner on 02.06.2017 and appeal filed by respondent No.4- Sarabjit Singh was dismissed on 05.03.2018 and the Financial Commissioner, after setting aside the said two orders, had directly appointed respondent No.4 as Lambardar of the Village.

Learned counsel for the petitioner has further submitted that the order of the Financial Commissioner is illegal inasmuch as even if it is assumed that the Financial Commissioner had to set aside the order of the Commissioner on merits even then, the Financial Commissioner cannot straightway appoint respondent No.4 as the Lambardar as it is the Collector which is the appointing authority. It is further contended that there are other arguments also in favour of the petitioner but solely on the basis of the abovesaid argument, the order of the Financial Commissioner dated 18.01.2021 (Annexure P-7) deserves to be set aside.

On the other hand, learned counsel for respondent No.4 has submitted that respondent No.4 is a better candidate than the petitioner and deserves to be appointed as the Lambardar and the petitioner should not be appointed as the Lambardar but has submitted that in view of the fact that the Financial Commissioner has directly appointed respondent No.4 as Lambardar of the village, the impugned order dated 18.01.2021 (Annexure P-7) be set aside and the Financial Commissioner be directed to decide the matter afresh, in accordance with law, after considering the entire material on record.

Keeping in view the abovesaid facts and circumstances and

also the arguments raised by learned counsel for the petitioner and respondent No.4, the order of the Financial Commissioner dated 18.01.2021 (Annexure P-7) appointing respondent No.4 directly as Lambardar of the village, is set aside and the matter is remanded to the Financial Commissioner, Punjab, Chandigarh to decide the case, afresh, in accordance with law, after granting due opportunity of hearing to the petitioner as well as respondent No.4.

Both the petitioner as well as respondent No.4 would appear before the Financial Commissioner, Punjab, Chandigarh on 17.04.2023.

With the aforesaid observations, the present Civil Writ Petition is disposed of.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

15.03.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**