

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CWP-9143-2023

Date of decision: - 01.05.2023

Balbir Singh

....Petitioner

Versus

Financial Commissioner, Appeals, Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 to 3.

Mr. Onkar Singh, Advocate
and Mr. Sukhwinder S. Aviraj, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of certiorari quashing the impugned order dated 06.02.2023 (Annexure P-4) passed by respondent No.1 vide which order dated 14.12.2020 (Annexure P-3) passed by respondent No.2 as well as the order dated 23.01.2018 (Annexure P-1) passed by respondent No.3 have been set aside.

2. Learned counsel for the petitioner as well as learned counsel for respondent No.4 have jointly submitted that since the issue as to whether the Financial Commissioner can directly appoint a candidate/appellant (therein) as the Lambardar is pending adjudication

before a larger Bench of this Court and have thus prayed that the impugned order dated 06.02.2023 (Annexure P-4) be set aside and Financial Commissioner (Appeals), Punjab be directed to decide the case afresh in accordance with law.

3. Keeping in view the above-said facts & circumstances and also the statement made by learned counsel for the petitioner as well as learned counsel for respondent No.4, the present writ petition is partly allowed and the impugned order dated 06.02.2023 (Annexure P-4) passed by the Financial Commissioner (Appeals), Punjab is set aside and a direction is issued to the Financial Commissioner (Appeals), Punjab to decide the matter afresh.

4. The parties are directed to appear before the Financial Commissioner (Appeals), Punjab on 15.05.2023 and the Financial Commissioner (Appeals), Punjab is directed to decide the revision petition afresh within a period of three weeks thereafter.

5. It is made clear that this Court has not opined on the merits of the case and the Financial Commissioner (Appeals), Punjab would decide the case independently, in accordance with law.

May 01, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No