

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9792-2023

Date of decision : 31.05.2023

Krishan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Jitender K.Sehrawat, Advocate
for the petitioner.Mr.Rajneesh Chadwal, AAG, Haryana
for respondents no.1 to 4.Mr.V.D. Sharma, Advocate
for respondent no.5.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 28.03.2023 (Annexure P-6) passed by respondent no.2

2. On 08.05.2023, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioner was appointed by the Collector and the Commissioner had set aside the said order and had remanded the matter back to the Collector for decision. It is submitted that against the said order, the petitioner has filed a revision petition and the Financial Commissioner instead of either allowing or dismissing the said revision petition, has passed an order dated 28.03.2023 (Annexure P-6), vide which he has rejected the claim of the present petitioner and has also ordered for initiation of proceedings for appointment of a new Lambardar and in effect has also rejected the claim of respondent No.5-Kuldeep. It is

further submitted that the petitioner is not aggrieved with the order of the Commissioner remanding the matter back to the Collector to re-decide as to whether the petitioner or the contesting respondent is a better candidate for the post of Lambardar.

Notice of motion for 31.05.2023.

On the asking of the Court, Ms. Rajni Gupta, Additional Advocate General, Haryana, appears and accepts notice on behalf of respondents No.1 to 4 and seeks time to file reply.

Reply, if any, be filed with the Registry, on or before the next date of hearing with an advance copy to learned counsel for the petitioner.

Liberty is granted to the petitioner to serve respondents No.5 and 6 through dasti process as well.

Operation of the impugned order dated 28.03.2023 is stayed till the next date of hearing.

To be taken up at 1.45 PM.”

3. As per the report of Registry, respondents no.5 and 6 have been served.

4. Learned counsel for respondent no.5 has submitted that even they are aggrieved with the order of Financial Commissioner inasmuch as the claim of respondent no.5 has not even been considered before ordering the process for appointing new Lambardar.

5. Learned counsel for the petitioner as well as learned counsel for respondent no.5 have jointly submitted that the order dated 28.03.2023 be set aside and the Financial Commissioner be directed to decide ROR no.371 of 2017-18 afresh, in accordance with law, after hearing both the parties.

6. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the order dated 28.03.2023 is set aside and the Financial Commissioner Haryana, Chandigarh is directed to decide ROR no.371 of 2017-18 afresh, in accordance with law, after hearing both the parties.

7. The parties are directed to appear before the Financial Commissioner on 06.07.2023 and the Financial Commissioner is directed to decide the same as expeditiously as possible preferably within a period of two months from the date of appearance of all the parties.
8. It is made clear that this Court has not opined on the merits of the case and the Financial Commissioner would decide the said ROR independently, in accordance with law.

May 31, 2023
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No