

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

1. CWP-1784-2020

Jasbir SinghPetitioner

versus

State of Haryana and others Respondents

2. CWP-1815-2020

Jasbir SinghPetitioner

versus

State of Haryana and othersRespondents

Date of decision : 29.01.2024

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

**Present :- Mr. Ajaivir Singh, Advocate
for the petitioner.**

Mr. Rajesh Gaur, Addl. AG, Haryana.

**Mr. Aman Pal, Advocate
for respondent No.4.**

RAJESH BHARDWAJ, J.

These two writ petitions have arisen out of two different revisions filed by the petitioner numbered as ROR-76 of 2018-19 and ROR-662 of 2017-18 and both were decided by respondent No.1 vide impugned order dated 01.07.2019.

By this common order I intend to disposed of abovesaid two petitions which are interconnected and relate to the common issue. The facts of the case are being taken from CWP-1784-2020.

Prayer in the present petition is for setting aside the order dated 09.09.2019 (Annexure P-7) vide which the application for restoration of ROR No.76 of 2017-18 has been dismissed and order dated 01.07.2019 (Annexure P-4) passed by respondent No.1 vide which the ROR No.76 of 2017-18 was dismissed in default wrongly and illegally.

As submitted by counsel for the petitioner, Shakti Singh General Category Lambardar got recorded his statement that he does not want to perform the duties of Lambardar and hence, he was discharged from his duties and on account of the same, the post of Lambardar fell vacant in Village Kunjpura. Resultantly, the process for the appointment of new Lambardar was initiated and on conducting the *mustri munadi*, the applications were invited from the interested eligible candidates. Learned Collector appointed respondent No.4-Surjit Singh as Lambardar of the Village vide his order dated 31.05.2017. Thereafter, the appeal filed by the petitioner before the Commissioner against the order passed by the Collector was accepted by learned Commissioner vide his order dated 22.03.2018 remanded the case back to the Collector for the decision afresh. The order dated 22.03.2018 passed by the Commissioner assailed by both i.e. petitioner and respondent No.4 by filing their independent revision petitions i.e. ROR No.76 of 2018-19 and ROR No.662 of 2017-18 respectively before the Financial Commissioner. Respondent No.1 i.e. Financial Commissioner accepted the revision petition i.e. ROR No.662 of 2017-18 vide order dated 01.07.2019, filed by respondent No.4. It is submitted that learned counsel for the petitioner could not appear in ROR No.76 of 2018-19 on the date fixed i.e. 01.07.2019 and hence the revision petition filed by respondent No.4 was allowed *ex parte*. It is also

submitted that not only this, the revision petition filed by the petitioner i.e. ROR No.76 of 2018-19 was dismissed in default on the even date i.e. 01.07.2019 by respondent No.1. It is submitted that petitioner filed application for restoration of his ROR No.76 of 2018-19 and also filed for recalling of the order dated 01.07.2019 passed in ROR No.662 of 2017-18 on 01.07.2019 but respondent No.1 illegally dismissed both these applications vide impugned order dated 09.09.2019.

It has been contended by counsel for the petitioner that the absence of counsel for the petitioner before the Court below was duly explained by the petitioner. However, without considering the same, learned Financial Commissioner has dismissed the petition and hence, the revision petition i.e. ROR No.76 of 2018-19 has not been decided on merits by respondent No.1. Not only this, respondent No.1 has decided ROR No.662 of 2017-18 filed by respondent No.4 *ex parte* qua the petitioner vide order dated 01.07.2019. He submits that the impugned orders are totally in violation of the principles of natural justice and against the law settled and thus, are totally unsustainable in the eyes of law. He submits that the revision petition filed by the petitioner be restored and be adjudicated on merits. He has further submitted that as the revision petition filed by respondent No.4 has been decided without hearing the petitioner, the impugned order dated 09.09.2019 be *set aside* and his revision petition be also adjudicated afresh after hearing both the parties.

Learned counsel for respondent No.4 has fairly submitted that both the revision petitions i.e. one, of the petitioner and another, of respondent No.4 should be decided afresh by hearing both the parties.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that both the parties are *ad idem* that the revision petitions filed by both the petitioner and respondent No.4 should be decided together by respondent No.1 after hearing both the parties. However, respondent No.1 has dismissed the revision petition filed by the petitioner in default whereas the revision petition filed by respondent No.4 has been allowed *ex parte* qua the petitioner.

In the considered opinion of this Court, the impugned orders passed are against the principles of natural justice and thus, the impugned orders dated 01.07.2019 and 09.09.2019 are *set aside*. ROR No.76 of 2018-19 filed by the petitioner is restored to its original number. Order dated 01.07.2019 passed by respondent No.1 allowing ROR No.662 of 2017-18 is also *set aside*. The parties are relegated to learned Financial Commissioner. Both the revision petitions would be decided afresh after hearing counsel for both the parties. However, keeping in view the facts and circumstances of the case, learned Financial Commissioner is directed to decide both the petitions afresh by passing a speaking order expeditiously preferably, within two months from the date of receipt of copy of this order. Office is directed to send a copy of this order to respondent No.1 forthwith who on receipt of the same will issue notice to both the parties for appearance and proceed with the matter as per the law. The petition is allowed in above-mentioned terms.

29.01.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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