

CWP-17036-2022

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

CWP-17036-2022

Date of Decision: May 16, 2024

Baldev Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sanjay Majithia, Sr.Advocate with
Mr.Sumit Sinha, Advocate
for the petitioner.

Mr.Navneet Singh, Sr.DAG, Punjab.

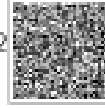
Mr.K.S.Dadwal, Advocate
for respondent No.2.

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RAJESH BHARDWAJ, J.(ORAL)

1. Petitioner has approached this Court praying for quashing the order dated 25.10.2021, Annexure P-10, passed by respondents No.1 and 3 whereby while accepting the ROR, set aside the order dated 21.07.2016, Annexure P-1 and order dated 29.05.2019, Annexure P-2, as the action of respondents No.1 and 3 is totally illegal and against the judicial proprietary as the order, Annexure P-10, has been passed by respondent No.3 while exercising the powers of respondent No.1 against the petitioner because counsel representing respondent No.2 has also represented respondent No.3 in his personal case as is clear from the perusal of OA, Annexure P-4 and orders, Annexures P-5 to P-9 passed and this fact was brought to the notice of respondent No.3 by the petitioner vide letter, Annexure P-11. It is further

prayed to direct respondent No.1 to rehear ROR No.710 of 2019 by

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entrusting the same to some other Financial Commissioner except respondent No.3 and pass fresh order. It is further prayed to stay operation of impugned order, dated 25.10.2021, Annexure P-10, during pendency of the present petition.

2. At the outset, it has been submitted by learned senior counsel for the petitioner that finding petitioner to be more meritorious, he was appointed as Lambardar by the learned Collector and the appeal filed by respondent No.2 before the Commissioner, was dismissed and thus, the order passed by the learned Collector was upheld by the learned Commissioner as well. He submits that however in the revision petition filed by respondent No.2 before learned Financial Commissioner, the case was decided ex parte qua the petitioner and the well reasoned orders passed by the learned Collector and the Commissioner were set aside by appointing respondent No.2 as Lambardar of the village. He submits that he withdraws his allegations qua respondent No.3 and restricts his prayer only for decision of the case on merits by learned Financial Commissioner, in accordance with law.

3. Learned counsel appearing for respondent No.2 though opposes the case on merits, however, he also concedes that the case was decided ex parte qua the petitioner.

4. After hearing both the sides, this Court, without going into the merits of the case, is of the opinion that learned Financial Commissioner should hear the case afresh by giving a fair opportunities to both the sides.

5. In view of the above-mentioned facts, impugned order, dated 25.10.2021, which is ex parte qua the petitioner, is set aside. Case is

parties would be issued notice by learned Financial Commissioner and the case would be decided after hearing both the parties expeditiously preferably within three months from the date of receipt of copy of this order.

6. Registry is directed to supply a copy of this order to respondent No.1-Financial Commissioner, (Appeals), Punjab Civil Secretariat, Chandigarh, forthwith for information and compliance.
7. Disposed of accordingly.

May 16, 2024	(RAJESH BHARDWAJ)
meenuss	JUDGE
1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No