



208

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

CWP-19097-2023

Date of Decision: 13.08.2024

BUTA SINGH**.....PETITIONER**

Vs.

FINANCIAL COMMISSIONER AND OTHERS**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present:- Mr. V.D. Sharma, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Vinay Bajaj, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

1. Petitioner (Buta Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of *certiorari* for setting aside the impugned order dated 09.08.2017 (Annexure P-3) passed by the learned Commissioner, Faridkot Division, Faridkot, whereby he had set aside the order dated 27.05.2016 (Annexure P-1) passed by the learned Collector, Faridkot vide which petitioner was appointed as Lambardar of Village Romana Albel Singh, District Faridkot. Petitioner further seeking setting aside the order dated 20.03.2023 (Annexure P-5) vide which the appeal filed by petitioner against order dated 09.08.2017 (Annexure P-3), was dismissed.

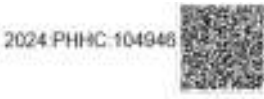


2. Learned counsel for the petitioner submits that the learned Commissioner had set aside the order passed by the learned Collector primarily on the ground that the petitioner was working as Government Teacher, however it was not forthcoming as to where he was posted. Accordingly, the matter was remanded to the learned Collector, Faridkot to decide the matter pertaining to appointment of Lambardar afresh after considering the relative merits and demerits of the candidates and by taking into consideration the availability of the person in the village. It is further submitted that the petitioner has already retired from his service and is available in the village through out the day. It is next submitted that petitioner is still working as a Lambardar at village Romana Albel Singh, District Faridkot, in pursuance of the interim stay granted by this Court vide order dated 31.08.2023.

3. On the other hand, Mr. Vinay Bajaj, Advocate appears and files his Power of Attorney on behalf of respondent No. 4 (Paramjeet Singh) in Court today, which is taken on record and has not disputed the aforesaid facts.

4. At this stage, learned counsel appearing on behalf of the respective parties are *ad idem* that the matter can be decided afresh by the District Collector, Faridkot after considering the relative merits and demerits of the candidates and till the time decision is granted by learned Collector, the petitioner can continue to work as Lambardar.

5. Keeping in view the aforesaid facts and circumstances, the present petition stands disposed of with a direction to the learned Collector, Faridkot to decide the matter pertaining to appointment of Lambardar of Village Romana Albel Singh, District Faridkot, after considering the relative



period of three months from the date of appearance of parties before him.
The parties shall appear before the learned Collector, Faridkot on 28.08.2024.

5.1 It is further directed that till the final decision is rendered by the learned Collector, the petitioner shall continue to work as Lambardar.

5.2 It is clarified that learned Collector shall decide the matter without being influenced by anything stated in this order or by the fact that the petitioner has been permitted to continue to work as Lambardar, in the meanwhile.

6. Disposed of accordingly.

7. All pending application(s), if any, shall also stand closed.

August 13, 2024
Pd

(HARSH BUNGER)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No