



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

**LPA No.2662 of 2024 (O&M)
Date of Decision: 28.10.2024**

Paramjit Kaur

.....Appellant.

Versus

Financial Commissioner (Appeals), Punjab and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Rai Singh Chauhan, Advocate and
 Mr. Rohit Sapehiya, Advocate
 for the appellant.

G.S. SANDHAWALIA, J.(Oral)

Challenge in the present Letter Patent Appeal is to the order dated 19.09.2024 passed by the learned Single Judge in ***CWP No.24053 of 2024***, whereby the writ petition filed by the appellant, has been dismissed and the order of remand passed by the Commissioner, Jalandhar Division, Jalandhar (here-in-after to be referred as 'the Commissioner') and the Financial Commissioner (Appeals), Punjab (here-in-after to be referred as 'the Financial Commissioner'), has been upheld.

2. The reasoning which prevailed with the learned Single Judge while upholding the order dated 28.07.2021 (Annexure P-2) passed by the Commissioner and the order dated 18.12.2023 (Annexure P-4) passed by the Financial Commissioner was that the candidature of private respondent



No.4-Dalip Singh had not been considered properly, while appointing the present appellant as *Lambardar* for Village Mouli, Tehsil Mukerian, District Hoshiarpur.

3. Learned Single Judge noticed the comparative merits and therefore, upheld the orders of remand while specifically observing that the findings recorded by the Financial Commissioner that the case requires a fresh look and the findings would not bias the Collector while deciding the issue within a period of four months from the date of appearance of the parties before him.

4. We have gone through the paper-book and are of the considered opinion that there is no scope of interference as sought to be argued.

5. Apparently, the Collector while appointing the present appellant as *Lambardar* on 17.01.2019 had never juggled the comparative merits of the candidates and had discussed them separately but never examined them *intra* the merits of both. It is in such circumstances, the Commissioner was constrained to hold that the Collector did not give any reason for ignoring the meritorious claim of respondent No.4-Dalip Singh. It is, thus, on account of the perversity in the order of the Collector, the authorities were forced to intervene, which has led to the concurrent findings passed by the Financial Commissioner and the learned Single Judge, with which we do not wish to interfere.

6. Resultantly, we do not find any merit in the present appeal and the same is, accordingly, dismissed in *limine*.

7. Needless to say that whatever we have observed here-in-above, is only for the purposes of upholding the order of the learned Single Judge and therefore, the Collector will decide the matter in the same terms, as directed by the learned Single Judge.

(G.S. SANDHAWALIA)
JUDGE

October 28, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*