

CWP-28876-2022 *along with*
CWP-14473-2023
201 (2 cases)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 14.08.2024

1.

CHARAN SINGH

Vs.

STATE OF HARYANA AND OTHERS
- CWP-28876-2022

.....PETITIONER

.....RESPONDENTS
2.

KARAMVIR SINGH @ KARMBIR

Vs.

STATE OF HARYANA AND OTHERS
- CWP-14473-2023

.....PETITIONER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Aman Pal, Advocate and
Mr. Japsehaj Singh, Advocate
for petitioner. (in CWP-28876-2022).

Mr. Vikram Singh, Advocate
for the petitioner (in CWP-14473-2023) and
for respondent No.4. (in CWP-28876-2022).

Mr. Rajneesh Chadwal, AAG, Haryana.

HARSH BUNGER J. (ORAL)

1. This order shall dispose of two writ petitions, bearing CWP-28876-2022 and CWP-14473-2023, as both of them arise out of the proceedings relating to the appointment of Lambardar of Village Alipura; and for the purpose of passing this order, the facts are being taken from CWP-28876-2022.

2. The present writ petition (CWP-28876-2022) has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of Certiorari to set aside impugned order dated 10.11.2021 (Annexure P-5) passed by the learned Divisional Commissioner, Ambala Division (respondent No.2 herein) and impugned order dated 16.05.2022 (Annexure P-6) passed by the learned Financial Commissioner, Haryana, Chandigarh (respondent No.1 herein).

3. Briefly, the petitioner(s) (in both the writ petitions) have challenged order dated 16.05.2022 (Annexure P-6), primarily on the ground that the learned Financial Commissioner, Haryana, Chandigarh while setting aside order dated 18.02.2015 (Annexure P-3) passed by the learned Collector, Yamuna Nagar and order dated 10.11.2021 (Annexure P-5) passed by the learned Divisional Commissioner, Ambala Division, has remanded the matter back to the learned Collector, Yamuna Nagar for re-consideration as regards the appointment for the post of Lambardar, without giving any reasons in this regard.

4. The aforesaid fact is also conceded by learned counsel for the State by stating that the aforesaid order dated 16.05.2022 (Annexure P-6) lacks reasoning and is unsustainable in the eyes of law.

5. I have heard learned counsel for the parties and gone through the paper book with their able assistance.

6. Keeping in view the aforesaid facts/circumstances, I deem it appropriate to set aside order dated 21.03.2024 (Annexure P-3) passed by the learned Financial Commissioner, Punjab, being a non-speaking/un-reasoned order; resultantly unsustainable in the eyes of law. Accordingly, the matter is

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remanded back to the Financial Commissioner, Haryana, to decide the revision petitions bearing ROR No.18/2021-22 and ROR No.45/2021-22, filed by the respective petitioner(s), afresh by passing a well reasoned/speaking order within a period of four weeks from the date when the parties put in their appearance before the concerned Court/Authority; after affording due opportunity of hearing to all the concerned parties.

6.1 Parties shall appear before the concerned Financial Commissioner, Haryana, on 28.10.2024 or any other date as may be fixed by the office of aforesaid Financial Commissioner.

- 7. The present writ petitions are disposed of in the aforesaid terms.
- 8. All pending application(s), if any, shall also stand disposed of.
- 9. Photocopy of this order be placed on the file of connected case.

August 14, 2024
Pd

(HARSH BUNGER)
JUDGE

Whether Speaking
Whether reportable

Yes/No
Yes/No