

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

LPA-2097-2023 (O&M)
Date of decision: 10.01.2024

BHAJAN LAL

...Appellant

VERSUS

THE FINANCIAL COMMISSIONER REVENUE AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kunal Dawar, Advocate
for the appellant.

Mr. R.S. Pandher, Sr. DAG, Punjab.

Mr. Jaideep Verma, Advocate
for respondent No.4/caveator.

DEEPAK SIBAL, J.(ORAL)

- (1) The present intra Court appeal is directed against the judgment dated 28.11.2023 passed by a learned Single Judge of this Court allowing respondent No.4's writ petition through which he had challenged the order of the District Collector, Rupnagar, appointing the appellant as Lambardar of village Savhara, Tehsil Anandpur Sahib, District Rupnagar. The subsequent orders passed by the Commissioner, Rupnagar and the Financial Commissioner, Punjab, upholding the aforesaid order of the District Collector were also assailed by respondent No.4.
- (2) Briefly stated, the facts are that Amar Singh was the Lambardar of Village Savhara, District Rupnagar. He died on 27.11.2010. On his death, proceedings commenced to fill up the post of Lambardar. Applications were invited through Mustri Munadi. 14 applications were received. Character

verification of all the applicants were conducted. Ultimately, 07 candidates remained in the fray. After considering the recommendations made by the subordinate Revenue Authorities, through order dated 04.07.2014, the District Collector appointed the appellant as Lambardar. Respondent No.4 challenged the order of the District Collector before the Commissioner. Respondent No.4's appeal was dismissed. Respondent No.4 then approached the Financial Commissioner through filing of a revision petition which also met the same fate as his appeal. Thereafter, respondent No.4 knocked the doors of this Court through filing of a writ petition which has been accepted by the learned Single Judge. Hence, the present intra Court appeal.

(3) Learned counsel for the appellant submitted that all relevant issues including the matter with regard to genuineness of the appellant's matriculation certificate as also lodging of a criminal case against him had been duly considered and answered in his favour by all the revenue authorities and in the light of the law settled by this Court, in the absence of any perversity, the learned Single Judge wrongly interfered in the appellant's appointment as Lambardar.

(4) Per contra, learned Counsel appearing for respondent No.4/caveator submitted that the appellant had produced a fake certificate with regard to passing of his matriculation examination; in the past a criminal case had also been lodged against him; the aforesaid issues, at the time of ordering the appellant's appointment, had not been considered by the District Collector in the right perspective; the Commissioner and the Financial Commissioner had also erred in upholding the appellant's appointment and therefore, the learned Single Judge has rightly set aside the appellant's appointment and remanded the matter to the District Collector for a fresh decision.

- (5) We have heard learned counsel for the parties and perused the record thoroughly.
- (6) Questions have been raised with regard to the genuineness of the appellant’s academic qualifications as also with regard to his criminal antecedents. In these circumstances, through the impugned judgment, the learned Single Judge, after setting aside the orders of the District Collector, the Commissioner and the Financial Commissioner, has remanded the matter to the District Collector for deciding afresh the issue with regard to appointment of Lambardar in village Savhara, Tehsil Anandpur Sahib, District Rupnagar.
- (7) In the afore facts, the impugned judgment warrants no interference by us.
- (8) Dismissed.
- (9) It is clarified that while reconsidering the issues with regard to appointment of Lambardar of the village in question, the District Collector shall independently consider the pleas/evidence before him and decide the matter completely uninfluenced by any finding recorded by any of the revenue authorities as also the findings/observations made by the learned Single Judge.
- (10) All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

January 10, 2024
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No