

“i Have Gone Through the Record and Considered the Arguments Vs. Dharam PalApplicant/Appellant

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Court : Punjab and Haryana

Decided On : Jul-22-2013

Appellant : “i Have Gone Through the Record and Considered the Arguments

Respondent : Dharam PalApplicant/Appellant

Judgement :

LPA No.122 of 2012 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH ***** LPA No.122 of 2012 Date of decision :

22. 7.2013 Dharam PalApplicant/Appellant versus Financial Commissioner, Haryana and othersRespondents CORAM: Hon'ble Mr.Justice Jasbir Singh Hon'ble Mr.Justice G.S.Sandhawalia Present:- Mr.P.S.Jammu, Advocate, for the appellant Mr.D.Khanna, Addl.

AG, Haryana --- Jasbir Singh, J.

(Oral) By filing this appeal, the appellant has laid challenge to an order dated 21.1.2011 passed by a Single Bench of this Court, dismissing CWP No.1143 of 2011, filed by the petitioner.

Vide order dated 31.7.2001, the petitioner was removed from the post of Lambardar of the village, on account of his conviction in a criminal case for violating the provisions of Section 302 IPC.

Appeal filed by the petitioner was dismissed by the Commissioner on 26.6.2006.

Relevant portion of the order reads thus :- I have gone through the record and considered the arguments advanced on behalf of both the parties.

It is clear from the record that appellant had been held guilty by the court of learned Additional Sessions Judge, SiRs.vide order dated 3.10.1997 and he has been awarded punishment of 20 years imprisonment for the same.

Hon'ble High Court's order dated Kumar Ashwani 2013.08.01 10:24 I attest to the accuracy and integrity of this document LPA No.122 of 2012 -2- 8.11.2000 has only suspended the sentence imposed on the appellant and others and directed them to be released on bail.

In these circumstances, conviction of the appellant in this criminal case has not been commented upon in any manner that would show that he is innocent or not involved in this criminal case.

Under these circumstances, it is clear that the impugned order has been passed keeping in view all the facts and circumstances in the case and the same is perfectly valid and legal.

In view of this, finding no merit in the appeal, the same is rejected.

The appellant went in revision, which was dismissed by the Financial Commissioner vide order dated 3.7.2007.

It is stated by the petitioner that thereafter, on 10.8.2007 when the petitioner was acquitted of the charges levelled against him under Section 302/34 IPC, he filed a review application before the Financial Commissioner to recall order dated 3.7.2007.

That application was also dismissed on 25.9.2009.

It was noted that when order was passed, the petitioner was not qualified to continue as Lambardar.

Thereafter, the petitioner filed CWP No.1143 of 2011, which was dismissed vide the impugned judgment on 21.1.2011.

After hearing counsel for the parties, we are satisfied with the order passed.

When process was started to remove the petitioner from the post of Lambardar, against him allegations of committing a murder were pending in a Court.

He had suffered conviction and was sentenced qua above said charge.

The Single Judge has noted that even if he has been acquitted, the stigma would remain with him and he cannot get respect in the eyes of the general public in the village.

Detailed order has been Kumar Ashwani 2013.08.01 10:24 passed regarding each and every aspect of the case.

I attest to the accuracy and integrity of this document LPA No.122 of 2012 -3- At the time of arguments, counsel for the appellant has failed to indicate any defect in the order passed.

Accordingly, this letters patent appeal is dismissed.

(Jasbir Singh) Judge (G.S.Sandhawalia) Judge 22.7.2013 Ashwani Kumar Ashwani 2013.08.01 10:24 I attest to the accuracy and integrity of this document

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