

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

CR No.1204 of 2015(O&M)

Date of Decision:-20.02.2015

Paramjit Singh.

.....Petitioner.

Versus

Election Tribunal-cum-SDM Malerkotla & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. G.S. Nahel, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Paramjit Singh, Elected Panch is in revision aggrieved against the order dated 29.01.2015 (P-3) passed by the learned Election Tribunal-cum-SDM Malerkotla whereby recounting of votes has been ordered.

In the present case, the dispute is regarding the election of Panch of the Gram Panchayat, Ladda which was held on 3.7.2013 and the petitioner (herein) was declared elected Panch by one vote. Total votes polled were 259 out of which 108 votes were polled allegedly in favour of petitioner(herein) I.e. Paramjit Singh, 107 votes in favour of Mohinder Singh-respondent no.2 (Election Petitioner) and 40 votes in favour of respondent no.3 Gamdoor Singh and 04 votes were rejected.

Learned Counsel for the petitioner has vehemently argued that the learned Tribunal has passed the impugned order of recounting of votes

without following the due procedure framing of issues and allowing the parties to lead evidence and thus the order is liable to be set aside. He has relied upon judgment passed by this order in 2014(3) RCR (Civil) 235 Deepak Kumar Sharma Vs. Hardip Kaur and Ors. whereby the Court has held that as a matter of course on the mere asking recounting of votes cannot be ordered and a very strong prima facie ground should be made out by the person seeking recounting of votes.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view the present petition is devoid of any merit and same deserves to be dismissed.

It is apparent from the impugned order passed by the learned Tribunal that numerous allegations have been levelled by the respondent no.2 about the active connivance between the respondent no.1 and the returning officer i.e. respondent no.4. It is further apparent from the record that there seems to be a prima facie very strong case about the fact that the presiding officer did not inspect the rejected votes nor any order under his signatures of such votes has been appended and no reasoning is coming forth for the rejection of the said votes. In the light of the said strong prima facie case it is in the interest of justice that recounting of votes is ordered especially when a margin is of only one vote and the allegations are of such serious nature. If the petitioner was confident about the outcome, then he should not have any grievance against the impugned order because even in the impugned order the learned tribunal has only reiterated the principle underlying the recounting of votes which is “a person elected through democratic process should only lead the people and none else”.

In view of the above, finding no merit in the present revision

petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 20, 2015
Vinay