

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.2868 of 2015

Date of decision: 21.12.2015

Raj Kumar

.....Petitioner

versus

Balbir Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ashok Kumar Sama, Advocate for the petitioner
None for the respondent Nos.1 to 4
Mr.T.N.Sarup, Addl.A.G. Punjab
for respondent No.5

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 6.4.2015, passed by the learned Deputy Director (Local Bodies) exercising powers of Election Tribunal, Fazilka, vide which, re-counting of votes has been ordered.

I have heard learned counsel for the parties and have also carefully gone through the file.

Briefly stated, election for the post of Panch of Gram Panchayat Village Neolan was held on 3.7.2013. Out of 508 votes which were polled, winning candidate secured 224 votes, whereas the losing candidate secured 209 votes and 2 votes were rejected. In this way, the winning candidate won the election by the margin of 15

votes. The re-counting has been ordered on the ground that it was pressed before the Tribunal that in this case mal-practice has been done and material irregularities have occurred. The Tribunal has ordered recounting of votes to meet the ends of justice.

I am of the view that re-counting cannot be ordered just for the satisfaction of one or the other party. Even if two cancelled votes are ignored, margin of victory is 15 votes, therefore, even if cancelled votes are counted in favour of defeated candidate, it will not make any difference. Therefore, there was no just ground for ordering the re-counting of votes.

Accordingly, the impugned order is set aside. The revision is accordingly allowed.

21.12.2015
gk

(Kuldip Singh)
Judge