

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3427 of 2015 (O&M)
Date of decision: 28.5.2015

Saroj Rani

.. Petitioner

v.

Election Tribunal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. V. K. Sandhir, Advocate for the petitioner.
Mr. Kamal Sehgal, Addl. Advocate General, Punjab.

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Rajesh Bindal J.

The petitioner has approached this court seeking a direction to respondent No. 1 for disposal of the election petition filed by her challenging the election of Sarpanch of village Sanghol, Tehsil Khamano, District Fatehgarh Sahib, held on 3.7.2013. Her grievance is that the election petition filed on 30.7.2013, immediately after election, is still pending, though nearly two years have passed and petitioner's evidence has already been concluded.

On 18.5.2015, copy of the paper book was handed over to Mr. Kamal Sehgal, Additional Advocate General, Punjab, to find out as to how the election petitions can be disposed of expeditiously.

Today, Mr. Sehgal has produced copies of memos dated 22.7.2014 and 24.7.2014 circulated to Deputy Commissioner and Additional Deputy Commissioner (Development), Fatehgarh Sahib apprising them of the provisions of Section 80(6) of the Punjab State Election Commission Act, 1994, which provide for expeditious disposal of the election petitions, preferably within a period of six months from the date

of presentation. Similar instructions were circulated to all other Deputy Commissioners and Additional Deputy Commissioners (Development) in the State of Punjab. He further submitted that endeavour should be made by all the Election Tribunals to dispose of the election petitions filed before them within the aforesaid time-frame.

In the case in hand, the election petition filed by the petitioner is pending for the last about two years. The total term of the panchayat is five years. The order passed by the Election Tribunal is appealable to this court under Section 100 of the Act.

Considering the aforesaid factual matrix, in my opinion, the prayer made by the petitioner deserves to be granted. Respondent No. 1 is directed to dispose of the election petition filed by the petitioner within three months from the next date of hearing fixed before it.

The petition stands disposed of.

Considering the fact that responsibility of conducting elections of Municipal Councils and Gram Panchayats has been entrusted to the State Election Commission (for short, 'the Commission') under the Act, it is the duty of the Commission to monitor filing and disposal of all the election petitions to ensure that those may not become infructuous with lapse of time as the period for which a candidate is elected may not be over during the pendency of petition. There may be serious allegations in some petitions, whereas some may be frivolous as well.

The Commission shall furnish the details of all the pending election petitions in the State of Punjab pertaining to the elections of Gram Panchayats or Municipal Councils, the date of their filing and the reasons for non-disposal within the period mentioned in Section 80(6) of the Act.

The matter be listed for the purpose on 20.7.2015.

(Rajesh Bindal)
Judge

28.5.2015

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