

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.534 of 2015

Date of decision: 21.12.2015

Harwinder Kaur

.....Petitioner

versus

The Presiding Officer and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jatinder Singla, Advocate for the petitioner
Mr.K.B.Raheja, Advocate for the respondent No.2
Mr.T.N.Sarup, Addl.A.G. Punjab
for the respondent No.1, 3 and 4

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 5.1.2015, passed by the learned Election Tribunal (Sub Divisional Magistrate), Malerkotla, 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 to the post of Panch in Ward No.1, Gram Panchayat Village Tibba was held on 3.7.2013. Out of 201 votes which were polled, winning candidate secured 105 votes, whereas the losing candidate secured 94 votes and 2 votes were rejected. In this way, the winning candidate won the election by the

margin of 11 votes. The re-counting has been ordered on the ground that it was pressed before the Tribunal that Rule 33 of the Punjab State Election Rules, 1994 has been violated. It was recorded that at the time of counting of votes, the Presiding Officer has not shown the cancelled votes to the petitioner nor has written any order under the signatures on any votes, mentioning reason for its cancellation.

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 11 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