

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13923 of 2015 (O&M)

Date of Decision: 20.08.2015

Vinod Kumar

. . . . Petitioner

VS.

State of Punjab & Ors.

. . . . Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE JASPAL SINGH**

1. Whether Reporters of local papers 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?

Present: Mr. SS Ranghi, Advocate for the petitioner
Mr. Rajesh Bhardwaj, Addl. AG Punjab
Mr. GS Attariwala, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) Short reply filed by respondent No.1 is taken on record.

(2) The petitioner was elected as Senior Vice President, Nagar Panchayat, Khanauri, District Sangrur. A No Confidence Motion was passed against him vide resolution dated 143 dated 01.04.2015.

(3) Section 22 of the Punjab Municipal Act, 1911 says that when a resolution is passed for removal of President or Vice President by two-thirds of the members of the Committee, such President or the Vice President, as the case may be, "*shall be deemed to be under suspension...*". *Proviso* to Section 22 further says that before the State Government 'notifies' his removal, the reason for his proposed removal shall be communicated to him by means of a registered letter so as to enable him to tender his explanation in writing.

(4) In the case in hand, the resolution was passed against the petitioner by two-thirds of the members and obviously he is deemed to have been placed under suspension on 01.04.2015.

(5) This is also an admitted fact that even before the petitioner could be heard by the State Government or his removal notified in the Gazette, a fresh election was held on 22.06.2015 to fill up the purported vacancy of Senior Vice President and in that election, the petitioner was re-elected.

(6) The authorities later on realized that since the petitioner's removal had not been 'notified' no vacancy had occurred for which the election could be held. There was an embargo against holding such election under Rule 6 of the Punjab Municipal (President and Vice President) Election Rules, 1994 which has also been referred to.

(7) Counsel for the parties are not aware whether the petitioner's removal in terms of resolution dated 01.04.2015 has been ever notified.

(8) Needless to say that if the petitioner's removal has yet not been notified, he still holds the post of Senior Vice President though he is deemed to be under suspension.

(9) However, if the petitioner's removal has been notified in the Gazette after 22.06.2015, the respondents are directed to conduct the election for the vacant post of Vice President as early as possible but not later than one month.

(10) Disposed of.

(Surya Kant)
Judge

20.08.2015
vishal shonkar

(Jaspal Singh)
Judge

