

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16569-2015

Date of decision : 30.09.2015

Binder Kaur

..... Petitioner

Vs

State of Punjab & others

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present : Mr. B.P.S. Virk, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Rakesh Kumar Jain, J. (oral)

The petitioner is aggrieved against the order dated 23.07.2015 (Annexure P-17) passed by respondent No.3-District Development and Panchayat Officer, Fazilka vide which he has appointed, an Administrator for the Gram Panchayat Chak rohi Wala, Block Jalalabad, in terms of Section 200(1) of the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act').

The argument raised by the learned counsel for the petitioner is that before appointment of an Administrator under Section 200(1) of the Act, the District Development & Panchayat Officer (for short 'DD&PO') is to first pass an order in writing, fixing the period, for the performance of the duty and if the said duty is not performed within the period so fixed by him, then he can appoint any other person to perform the duty. He submitted that, in the present case, no such order has been passed by the DDPO and straightway the Administrator has been appointed in

violation of Section 200(1) of the Act.

On the other hand, learned counsel for the respondents has submitted that the present petition is not maintainable as the petitioner has not availed the statutory remedy of revision under Section 201 of the Act, which is to be decided by the Director, Department of Rural Development and Panchayat, Punjab. In this regard, he has also placed on record the standing order dated 3.12.2014 passed by the Financial Commissioner and Secretary to Government of Punjab, Department of Rural Development and Panchayats, delegating the powers to the Director, Rural Development and Panchayat, Punjab for entertaining the revision petition under Section 201 of the Act.

Learned counsel for the petitioner has relied upon a Division Bench judgment of this Court in ***Harbant Singh vs. State of Punjab and others, 1996(1) RRR, 496***, wherein it has been held that an Administrator can not be straightway appointed by the District Development and Panchayat Officer without fixing the time and if the Panchayat failed to perform the duties, then the Administrator can be appointed by the District Development and Panchayat Officer. There is no dispute in regard to the proposition of law propounded by the learned counsel for the petitioner but the issue involved in the present case is as to whether the petitioner has a remedy to challenge the impugned order passed by the DDPO before the Director, Rural

Development and Panchayat, Punjab.

Having heard learned counsel for the parties and gone through the material available on record, Section 201 of the Act gives power to the Director, Rural Development and Panchayat, Punjab to entertain revision petition against the order of the DD&PO passed under Section 200(1) of the Act.

Thus, the present petition is not maintainable and hence the same is hereby dismissed. However, the petitioner is granted liberty to challenge the impugned order before the Director, Rural Development and Panchayat, Punjab by way of a revision petition under Section 201 of the Act. It is further directed that in case such a revision is filed within seven days from the date of receipt of certified copy of this order, the Director, Rural Development and Panchayat, Punjab shall decide the same within one month thereafter. The petitioner may take other pleas also in the said petition, which shall be decided by the Director, Rural Development and Panchayat, Punjab.

(RAKESH KUMAR JAIN)
JUDGE

30.09.2015

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