

CWP No.16762 of 2015

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

CWP No.16762 of 2015
Date of decision: 15.09.2015

Balbir Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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. Arvind Singh, Advocate, for the petitioner.
Mr. A.K. Yadav, Addl. A.G., Haryana.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition has been filed for quashing the order dated 11.06.2015 (Annexure P-6) passed by respondent No.2 – Deputy Commissioner, Panchkula and order dated 19.05.2015 (Annexure P-4) passed by respondent No.4 – Sub Divisional Officer (Civil), Pinjore, District Panchkula.

Brief facts of the case are that petitioner is the resident of Village Kiratpur falling in Block Pinjore, District Panchkula and is the ex-Sarpanch of the Village. Five years' term of the Gram Panchayat has expired in August, 2015. Reservation of the seats of Sarpanches is required to be fixed by the Government as per the provisions of the Haryana Panchayati Raj Act, 1994.

In pursuance of notice of motion, respondents No.1 to 4 have

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filed reply. Para 3 of the reply reads as under: -

“That the Competent Authority has rightly dismissed the objection of the petitioner as well as the appeal preferred before the Deputy Commissioner returning its finding on the basis of figure of the Scheduled Caste population verified from CRO (Tehsildar, Kalka). It was reported by the CRO that total SC population in village Kiratpur, as per spot verification is 327, which includes population of migrated labour.”

The SC population has been considered taking into consideration the migrated labour treating them as belonging to the SC category.

In compliance of order dated 31.08.2015, affidavit has been filed by Dr. Kuldeep Singh, Tehsildar, Kalka, stating that castes of migrant labourers could not be ascertained merely on the basis of their oral statements without getting exact information qua their castes from their respective native places.

In view of the affidavit, this Court is of the view that impugned orders are not sustainable in the eyes of law. Accordingly, the impugned orders are set aside. Respondent No.2 shall consider the entire matter in accordance with law and pass order within 15 days from the date of receipt of certified copy of this order.

Disposed of.

September 15, 2015
R.S.

(Paramjeet Singh)
Judge