

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.21108 of 2015

Date of Decision: October 05, 2015

Gurbinder Kaur

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Kehar Singh Hissowal, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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- 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?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 3 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let three copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 to 3 or to serve respondent Nos.4 to 7 at
this stage as no order prejudicial to their interest is being
passed.

The petitioner was declared elected as Sarpanch of
village Rangdial, Tehsil and District Mansa. In the Election

Petition filed against her, an order of re-counting of votes was passed and a team of Government Officials was constituted to carry-out the re-counting. That order has been set-aside by this Court at petitioner's instance on 07.09.2015 with a direction that re-counting has to be done by the Presiding Officer, Election Tribunal, Mansa, namely, the Deputy Commissioner, Mansa and he cannot delegate his power to other officials.

It is stated that re-counting is to take place on 07.10.2015. The petitioner now apprehends that the re-counting is not likely to be fair due to the alleged political pressure. Hence, this Court seeks to appoint an independent observer.

As of now, we see no reason for the apprehension expressed by the petitioner. We are sure that the Deputy Commissioner-cum-Election Tribunal knows his responsibility under the law and shall act in an impartial, fair and transparent manner. He shall maintain and promote the confidence, faith and trust of the candidates in the democratic process.

The petitioner, in any case, shall be at liberty to approach this Court or any other forum in the event of any unfair decision.

The writ petition stands disposed of accordingly.

Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

October 05, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE