

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

CWP No.1107 of 2016 (O&M)

Date of Decision: 20.01.2016

Paramjit Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Karan Nehra, Advocate for the petitioners

Mr. YK Gupta, AAG Punjab

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. YK Gupta, AAG Punjab accepts notice on behalf of respondents. Having regard to the nature of order which we propose to pass, it is not necessary to call upon the respondents to file reply, at this stage. Let copies of the writ petition be handed over to learned State counsel during the course of day.

(2) The petitioners are elected Councilors of Municipal Council, Kapurthala. Their grievance is against the order dated 05.03.2015 (P4) passed by the Director Local Bodies, Punjab reserving the post of President of their Municipality for women. The aforesaid reservation is alleged to be contrary to the statutory scheme of the Punjab Municipal Council Act, 1911 read with the Determination of Number of Elected Members & Reservation of Offices of Presidents of Municipalities Rules, 1994.

(3) Since the petitioners have not questioned the *vires* of any provisions rather have alleged that reservation is being made contrary to the statutory provision and the Rules framed thereunder, we dispose of the writ petition without expressing any views on merit with a direction to respondents No.1 & 2 to call for the records and decide the petitioner's objections-cum-representation as well as treat this writ petition as representation on their behalf and determine the issue in accordance with law as early as possible but well before the next election of the President of the Municipality. The judgement rendered by this Court in **LPA No.836 of 2015 (State of Punjab & Ors. vs. Manjit Singh Sethi)** and other connected matters decided on 04.08.2015 shall also be duly considered while deciding the representation.

(4) Let the needful be done within a period of four months from the date of receipt of a certified copy of this order.

(Surya Kant)
Judge

20.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge