

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

**CWP No.15406 of 2016
Date of decision: 12.12.2016**

Narinder Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.V. Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned order dated 29.06.2016 (Annexure P-6), appointing Administrator for the Gram Panchayat, petitioner has approached this Court by way of present writ petition.

Learned counsel for the State has brought to the notice of this Court a judgment dated 30.09.2015 passed by this Court in **Binder Kaur Vs. State of Punjab and others, 2016 (1) R.C.R. (Civil) 634**, to contend that since the petitioner has got an equally efficacious alternative remedy of revision before the Director, Department of Rural Development and Panchayats, Punjab, by way of revision petition under Section 201 of the Punjab Panchayati Raj Act, 1994 ('the Act' for short), she is liable to be relegated to her alternative remedy of revision. However, at this stage, it is clarified by learned counsel for the State that now the powers under Section 201 of the Act, vest with the Secretary to

Government of Punjab, Department of Rural Development and Panchayats.

Before proceeding further, it would be appropriate to refer to the order dated 30.09.2015 passed by this Court in **Binder Kaur's** case supra and the same reads as under:-

“1. 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').

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.”

When confronted with the abovesaid order, learned counsel for the petitioner sought to argue that the alternative remedy of revision petition under Section 201 of the Act would not be available to her. However, after hearing the learned counsel for the parties at some length, contentions raised on behalf of the petitioner have not been found worth acceptance. It is so said because once the legislature has provided a specific statutory remedy under Section 201 of the Act, which has already been interpreted by this Court to mean that alternative remedy of such a revision petition would be available, petitioner is liable to be relegated to her alternative remedy of revision.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the petitioner has got an equally efficacious alternative remedy of revision petition under Section 201 of the Act, before the Secretary to Government of Punjab, Department of Rural Development and Panchayats, petitioner is liable to be relegated to her alternative remedy.

Without commenting any thing further on the merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of, relegating the petitioner to her alternative remedy of revision petition under Section 201 of the Act, before the Secretary to Government of Punjab, Department of Rural Development and Panchayats.

As directed by this Court in **Binder Kaur's** case (supra), similar directions are being issued to the effect that if the petitioner files her revision petition within a period of seven days from the date of receipt of a certified copy of this order, the competent authority, i.e. Secretary to Government of Punjab, Department of Rural Development and Panchayats, shall decide the same at an early date and in any case within a period of one month. Petitioner shall be at liberty to raise all possible pleas available to her, in her revision petition, which shall be decided by the Secretary to Government of Punjab, Department of Rural Development and Panchayats, by passing a speaking order, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of, however, with no order as to costs.

[**RAMESHWAR SINGH MALIK**]
JUDGE

12.12.2016
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No