

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

CWP-9343-2016 (O&M)

Date of decision:16.05.2016

Netball Association of Chandigarh & Ors.

...Petitioners

Versus

Union of India & another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. A.S. Narang, Advocate
for the petitioners.

None for respondent No.1.

Mr. Suman Jain, Advocate
for respondent No.2.

Rakesh Kumar Jain, J.(Oral)

On 29.4.2016, the following order was passed by this
Court in CWP No. 6806 of 2016 :-

*“Learned counsel for the parties are ad idem
that the present writ petition may be disposed of
with liberty to the petitioners to raise all their
objections which are raised in the present petition
as well, which shall be decided by the election
committee, after giving opportunity of hearing to
both the parties.*

*In view thereof, the present petition is hereby
disposed of with liberty to the petitioners to raise
all the objections as available to them before the
election committee on 2.5.2016 which shall be
decided by the election committee within two days
thereafter i.e. by 5.5.2016 after giving personal
hearing to the representative of the parties and by*

passing a speaking order.

Needless to mention that in case, the petitioners remain dissatisfied with the order of the election committee they would still have the remedy to approach this Court again. Till then the election process shall remain stayed.

A copy of this order be given to counsel for the parties under the signature of the Special Secretary of this Court.”

Im pursuance of the aforesaid order, the Election Committee for Election of Office Bearers and Executive Committee of the Netball Federation of India, 2016-20 passed the order dated 5.5.2016, which is under challenge.

The primary objection raised by the petitioners is that though this Court had disposed of the petition with liberty to the petitioners to raise all their objections as available to them before the Election Committee on 2.5.2016 which were ordered to be decided by the Election Committee within two days thereafter i.e. by 5.5.2016 after giving personal hearing to the representative of the parties and by passing a speaking order yet the Election Committee did not deal with all the objections raised by the parties and rather observed that :

“12. Having considered the issues, raised by the aforesaid four state units, the Election Committee observed that some of these are not within the domain and jurisdiction of the Committee as these objections are complex and require larger appreciation of facts and legal issues and cannot be resolved in a short span of time. The Election

Committee further observed that the Committee will resolve the issues relating to current election process and electoral college only and will not entertain any other issue other than the above.”

Notice was issued in this petition, respondent No.2 filed its reply, which is taken on record.

After brief arguments, counsel for the parties have again agreed that the order dated 5.5.2016 passed by the Election Committee may be set aside and the matter may be remanded back to the Election Committee to pass a speaking order under separate heads of the objections raised by both the parties. Ordered accordingly.

The Parties are directed to appear before the Election Committee on 19.5.2016. The Election Committee is directed to pass a speaking order in accordance with law after hearing the parties and after considering their objections by 31.5.2016.

Till then the election process shall remain stayed.

It is needless to mention that the voters list shall be revised.

Copy of this order be given to learned counsel for the parties under the signatures of the Bench Secretary.

16.05.2016
sp

(Rakesh Kumar Jain)
Judge