

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.406 of 2016 (O&M)
Date of Decision: March 29, 2016

Arun Kumar

.....Appellant

versus

The State of Punjab and others

.....Respondents

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

Present: Mr.Kanwaljit Singh, Senior Advocate with
Mr.Pardeep Goyal, Advocate, for the petitioner.
Mr.Satya Pal Jain, Senior Advocate with
Mr.Deeraj Jain, Advocate and
Mr.Lalit Singla, Advocate for the caveator-resp.No.4.

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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)

This letters patent appeal is directed against the order dated 11.01.2016 whereby the learned Single Judge has dismissed the appellant's writ petition in which the order dated 23.12.2015 passed by the State Government annulling the 'No Confidence Motion' which is claimed to have been passed against respondent No.4 who is the President of Nagar panchayat, Khanauri, District Sangrur, was challenged.

[2] The appellant's case before the learned Single Judge was that there are 14 Members of the Nagar Panchayat, Khanauri out of whom 12 were present in the meeting held on 22.10.2014 when resolution No.122 of 'No Confidence Motion'

was passed against respondent No.4 with the support of 10 members who raised their hands in support of the 'No Confidence Motion' and thereafter put their signatures on the resolution (P-1).

[3] The controversy revolves around the alleged support to the resolution by one Smt.Santosh Rani. The appellant claims that she had raised her hand and signed the proceedings in favour of the 'No Confidence Motion', whereas respondent No.4 in the very first opportunity vide his reply dated 26.12.2014 to the show cause notice, took a categorical stand that only 8 members raised their hands in support of the 'No Confidence Motion' and Smt.Santosh Rani never voted in favour of the 'No Confidence Motion' by raising her hands.

[4] The above stated factual dispute prompted the authorities to send the Compact Disc (CD) of the video recording of the proceedings to the Forensic Scientific Laboratory who admittedly found the CD to be untampered with. The videography shows that Smt.Santosh Rani did not raise her hands in support of the 'No Confidence Motion'.

[5] Since 'No Confidence Motion' required to be supported by atleast 10 members and after excluding Smt.Santosh Rani, there were left 9 members only, the State Government declined to approve the 'No Confidence Motion'. The decision of the State Government has been upheld by the learned Single Judge.

[6] We have heard learned counsel for the parties at a considerable length and gone through the record.

[7] The appellant has raised two contentions, namely, (i) Smt.Santosh Rani admittedly put her signatures on the proceedings of the meeting held on 22.10.2014 (P-1) whereby

'No Confidence Motion' was passed against the President of the Nagar Panchayat; (ii) the appellant also got prepared a CD which suggests that Smt.Santosh Rani raised her hand in support of the 'No Confidence Motion'.

[8] As regard to the second contention which was raised before the learned Single Judge also, it may be noticed that the videography was got conducted by the Nagar Panchayat and it has been found to be untempered with. The appellant has failed to disclose as to how he got prepared the second CD of the proceedings. We have no reason to differ with the reasoning assigned by the learned Single Judge, moreso when there was no permission or authorization given to individual members for videography of the proceedings.

[9] So far as the first contention, namely, signing of the proceedings by Smt.Santosh Rani is concerned, we have seen the photostat copy of the resolution purported to have been passed on 22.10.2014 and which the appellant himself has placed on record. The manner in which the proceedings have been recorded on the last few lines of the page with more than half of the page lying blank, these proceedings do not inspire confidence. The finding of fact returned by the State Government and upheld by the learned Single Judge doubting the genuineness of the said resolution thus calls for no interference.

[10] The fact that the resolution was not challenged by respondent No.4 is inconsequential as once the State Government has declined to accept the same, respondent No.4 was left with no cause of action to question the same.

[11] For the reasons afore-stated we do not find any ground to interfere with the order passed by the learned

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[4]

Single Judge.

[12] Dismissed.

[SURYA KANT]
JUDGE

March 29, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE