

CWP No.13826 of 2017 (O&M)

[1]

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

**CWP No.13826 of 2017 (O&M)
Date of decision:20.07.2017**

Balwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Samarth Sagar, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

CM No.9686 of 2017

Application is allowed, as prayed for.

The document (Annexure P-15) is taken on record.

CWP No.13826 of 2017

This petition is filed in order to challenge the resolution dated 20.02.2017, by which "No Confidence Motion" has been passed against the petitioner, who was the President of the Municipal Council, Lehragagga, District Sangrur, and the show cause notice dated 25.05.2017, issued by respondent no.2 in terms of the 2nd proviso to Section 22 of the Punjab Municipal Act, 1911 (hereinafter referred to as the "Act").

The petitioner was elected as a Municipal Councillor and subsequently as President of the Municipal Council, Lehragagga on 15.03.2015. On 06.02.2017, 11 Councillors submitted a representation for

calling a special meeting of the Municipal Council for considering the “No Confidence Motion” against the petitioner. The meeting was held on 20.02.2017 and “No Confidence Motion” was passed. The said order was challenged by the petitioner by way of CWP No.9292 of 2017, which was disposed of on 02.05.2017 with a direction to respondent no.2 to consider representation of the petitioner and take a decision thereon.

Thereafter, on 25.05.2017, a show cause notice under Section 22 of the Act was issued to the petitioner, asking her to respond within 21 days. It was also mentioned therein that if the reply is not filed within the stipulated period, then it would be considered that she does not want to say anything in her defense and one sided further action would be taken against her. The petitioner has, thus, challenged the aforesaid resolution and the show cause notice, to which she had also filed a detailed reply on 16.06.2017, which has been placed on record as Annexure P-15 by way of CM No.9686 of 2017.

Counsel for the petitioner has submitted that the petitioner has been illegally removed from the post of President. He has also submitted that direction issued by this Court on 02.05.2017 has not been complied with.

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

To my mind, the petitioner has approached this Court prematurely because the order of removal has not come into operation as the petitioner has been given a show cause notice under Section 22 of the Act, to which she had already filed the reply and no order has yet been passed much-less notified by the State Government about removal of the petitioner.

In this regard, it may be mentioned that in an identical matter

bearing CWP No.15518 of 2017 titled as “**Sarabjit Kaur vs. State of Punjab and others**”, decided on 19.07.2017, Section 22 of the Act has been discussed and explained and the said writ petition was also dismissed being pre-mature.

Similarly, in this case also, the writ petition is half baked because the petitioner has already filed reply to the show cause notice on 16.06.2017 and so far, no order has been passed by the State Government of removal of the petitioner.

Consequently, the present petition is hereby dismissed being pre-mature.

July 20, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No