

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

CWP No.25974 of 2017
Date of Order: 14.11.2017

Ramesh Chander Verma

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. H.C. Arora, Advocate for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

The petitioner was the President of the Nagar Panchayat Mehatpur District Jalandhar. He received a requisition from some members of the Nagar Panchayat to hold a meeting to consider the No Confidence Motion. The petitioner therefore issued notice for holding a special meeting of the Nagar Panchayat on 30.10.2017 in the afternoon at 4.00 PM in the Nagar Panchayat. The agenda was circulated to all the members of the Nagar Panchayat. However before the meeting could have taken place, the petitioner sent a letter dated 30.10.2017 to the Executive Officer of the Nagar Panchayat in which he prayed that the meeting may be cancelled as he was not well and admitted in hospital. He also mentioned therein that he would inform the next date of the said meeting. Said letter was brought to the notice of the members by the Executive Officer, as it is reflected in the proceedings much less Minutes of the Meeting, recorded on 30.10.2017 but despite that the members who were present in the meeting unanimously elected Raj Kumar, who has returned from Ward No.6 as a Member. The

petitioner made a representation to the Regional Deputy Director Local Government, Jalandhar against the said election, alleging therein that his absence was not deliberate and, therefore, his request for cancellation of meeting has wrongly not been considered. Since the petitioner did not get any response from the Regional Deputy Director, therefore he has filed this petition to challenge the proceedings of the meeting dated 30.10.2017.

Learned counsel for the petitioner has referred to Section 25 of the Punjab Municipal Act, 1911 (for short “the Act”) to contend that in the absence of the President, the Vice President shall convene either an ordinary or a special meeting on a requisition, specifying the purpose of the meeting made in writing by not less than one fifth of the members of the committee. It is further submitted that if the petitioner had the jurisdiction as President to fix a special meeting to consider No Confidence Motion, then he would have also the jurisdiction to cancel the meeting also because of unforeseen circumstances. It is also contended that the meeting was to be convened by the President within 14 days but the said meeting was convened by him within 2 days (48 hours), therefore, still the petitioner had time to hold the meeting after postponing the same.

I have heard learned counsel for the petitioner and perused the record.

In order to appreciate his arguments, it would be relevant to refer to Section 25 of the Act, which is reproduced hereinbelow:

“25. Times of holding meetings. – (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The President or, in the absence [or during the vacancy of his office ²[or during his suspension under Section 22] a Vice-President may, whenever he thinks fit and shall on a requisition ³[specifying the purpose of the meeting made in writing] by not less than one fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

⁴[(3) If the President or the Vice-President, as the case may be, fails to call a meeting of the committee within a period of fourteen days from the date of receipt of requisition, the members who had signed the requisition may convene a meeting of the committee in accordance with the bye-laws of the committee within a period of thirty days of the making of such requisition and notwithstanding anything contained in this Act such meeting shall be deemed to be a validly convened meeting:

Provided that no business other than that specified in the requisition shall be transacted in such meeting and the quorum for such a meeting shall be as provided for a special meeting under sub-section (1) of Section 27]”

Aforesaid provision deals with the conduct of business. It is provided therein that Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws. Section 25(2) of the Act precisely pressed by learned counsel for the petitioner which says that the President or, in the absence or during the vacancy of his office or during his suspension under Section 22 a Vice-President would take reign of the Committee for the purpose of considering a representation which shall be made in writing by

not less than one fifth of the members of the committee specifying the purpose of meeting and then may convene either ordinary or special meeting.

In the present case, the petitioner being the President is not absent as neither his office was vacant nor he was under suspension. He was very much President of the Nagar Panchayat and was absent from the meeting only on the ground of his illness.

Learned counsel for the petitioner has failed to refer to any provision of the Act as per which in such circumstances, the President has the jurisdiction to cancel the meeting for his non-appearance on account of his illness. The meeting was called by the President. It was for him to attend the meeting or not. The Members who were present in the meeting have rightly proceeded with the meeting and elected the Member of their choice to represent them to the post of President.

In view of the aforesaid discussion, there is hardly any scope for interference by this Court as there is no violation of Section 25 of the Act as alleged.

With these observations, present petition is hereby dismissed.

November 14, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No