

**CWP no.10013 of 2017 (O&M) 1**

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

**CWP no.10013 of 2017 (O&M)**

**Date of Decision : 02.08.2018**

Vinod Kumar

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

**Present :** Mr. Ravinder Malik, Advocate for  
Mr.Ashok Bhardwaj, Advocate for the petitioner(s)

Mr. Shireesh Gupta, Sr. DAG, Punjab

Mr. J.S.Toor, Advocate for respondent no.3

**MAHESH GROVER, J.(ORAL)**

The present writ petition has been filed seeking quashing of letter dated 24.4.2017 by which the term of Senior and Junior Vice President of the Municipal Council was directed to stand extinguished and ordering fresh elections. It was pleaded before us that neither the Municipal Act nor the bye laws prescribed any period as suggested in the impugned orders.

Noticing the grievance we had passed an order on 10.5.2017 which we extract herebelow:-

“The impugned letter Annexure P-2 reads as follows :-

“Regarding the above mentioned subject it is

requested to you that the time period of the posts of the

Junior and Senior Vice Presidents of Municipal Council,

Sangrur is ending on 01.05.2017. Therefore, it is requested that a convener may be appointed for the elections of Senior and Junior Vice President.”

Evidently, it signifies that there is some document prescribing expiry of the term of Vice President on 01.05.2017. There is, however, nothing on record and the learned counsel for the petitioner with reference to Section 21 of the Punjab Municipal Act, 1911 contends that the term of the Vice President is to be prescribed by the bylaws which the Municipal Council in question does not have. It is thus sought to be projected before us that neither are the bylaws in existence nor is there anything to suggest that the term of the Vice President was to expire on 01.05.2017 but by virtue of the impugned letter it has been so done.

Issue notice of motion to respondents No.2 and 3 at this stage for 11.08.2017 to ascertain in the first instance whether there was anything on the municipal record in the absence of bylaws that the term of the Vice President is to expire on 01.05.2017.

It is made clear that in case the assertion of the petitioner is found to be incorrect, he would be visited with exemplary consequences.”

Respondents have filed their reply.

Learned counsel for respondent no.3 with reference to his reply

and in particular, para 4 has stated that there are bye laws in existence which

prescribe the term to the office of Vice President as one year. Para 4 of the reply is extracted herebelow:-

“4. That the contents of this para are wrong and denied. In view of Section 21 of the Punjab Municipal Act, 1911 the term of the Vice President is to be prescribed by the Bye-Laws of the Municipal Council. The Municipal Council, Sangrur had notified the Bye-Laws vide notification No.51, dated 1.11.1953/16.7.2010. Clause 100 of the said Bye-Laws provides as follows:-

“100. The terms for which Vice President shall hold office is one year. At the expiry of the term a Vice President shall be re-elected.”

There is no counter affidavit filed by the petitioner despite the fact that the reply of respondent no.3 was filed in October, 2017.

In view of the stand of respondent no.3-Municipal Council, we are of the opinion that the petition is totally mis-conceived. The period of one year prescribed in the bye laws would stand expired even otherwise. Consequently, we decline interference. Hence, instant petition is hereby dismissed.

**(Mahesh Grover)**  
**Judge**

02.08.2018  
rekha  
Whether speaking/reasoned  
Whether reportable

**(Mahabir Singh Sindhu)**  
**Judge**  
Yes/No  
Yes/No