

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15612-2018 (O & M)
Date of decision: 20.06.2018

Virender Singh and others

.... Petitioners

V/s

State of Haryana and others

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Birender Singh Rana, Sr. Advocate, with
Mr. Vijender Singh Ahlawat, Advocate, for the petitioners.

SURINDER GUPTA, J. (ORAL)

Petitioners by way of present petition are seeking quashing of impugned notice dated 18.06.2018, Annexure P-2, issued by respondent No.3.

Heard.

Learned counsel for the petitioners while referring to the provisions of Rule 70 of the Haryana Municipal Elections Rules, 1978, has argued that the notice of the meeting to be held on 20.06.2018 i.e. today at 3.00 pm was served to the petitioners after 7.00 pm on 18.06.2018. The meeting is to be held at 3.00 pm today, before expiry of period of 48 hours. Rule 70 provided that 48 hours notice be given to the petitioners for calling the meeting.

Notice of motion.

On the asking of the court, Ms. Tanisha Peshawaria, DAG, Haryana, present in court, accepts notice.

Relevant portion of Rule 70 of the Haryana Municipal Elections Rules, 1978, provides as follows:-

“70. Oath of allegiance and election of President etc.- (1) The Deputy Commissioner of any gazetted officer appointed by him in this behalf shall, within a period of [thirty days] of the publication of the notification of the names of the members elected to a committee convene the first meeting of the newly constituted committee at forty-eight hours notice to be delivered at their ordinary place of residence. The notice shall clearly state that the oath of allegiance will be administered to the members present, and that the election of President and Vice-President [-] shall be held in the meeting. The convener shall administer the oaths to the members and shall preside over the meeting till the election of the President and the Vice-President. Such meeting shall be deemed to be a validly convened meeting of the committee. Notwithstanding anything contained in any bye-laws, made under the provisions of section 31 of the Act, the administration of the oath of allegiance and the election of the President and [Vice-President] shall be recorded as part of the proceedings in the minutes of the meeting.”

The Notification of the result of the elected members of the Municipal Committee was issued on 24.05.2018. As per Rule 70 the meetings of the elected members is to be called within 30 days of the Notification and that period is going to expire on 22.06.2018.

Taking notice of the submissions of learned counsel for the petitioners, present petition is disposed of with a direction to respondent

No.2-Deputy Commissioner, Jhajjar, that the meeting of the elected members be scheduled for 22.06.2018 at 5.00 pm. The petitioners have been notified about the date and time of the meeting. Respondent No.2 will notify the date and time to the other elected members through special messengers before 5.00 pm today.

A copy of this order be given dasti to learned counsel for the parties under the signatures of Special Secretary.

(SURINDER GUPTA)
JUDGE

(RAJBIR SEHRAWAT)
JUDGE

June 20, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No