

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

(I) CWP-8043-2018 (O&M)
Date of decision : 25.10.2018

Shamsher Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(II) CWP-9104-2018 (O&M)
Date of decision : 25.10.2018

Jasbir Kaur and and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(III) CWP-13298-2018 (O&M)
Date of decision : 25.10.2018

Devinder Kaur

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Deswal, Advocate,
for the petitioner(s) in CWP-8043-2018.

Mohd. Yousaf, Advocate,
for the petitioner(s) in CWP-9104-2018.

Mr. Tarun Jhatta, Advocate,
for Mr. B.S. Sidhu, Advocate,
for the petitioner(s) in CWP-13298-2018.

Ms. Ambika Bedi, AAG, Punjab,
assisted by Mr. Saudager Singh, Law Officer.

JITENDRA CHAUHAN, J. (Oral)

The above noticed three writ petitions are being disposed of by this Single judgment as the same involve common questions of law and facts. However, for brevity, the facts are being derived from CWP-8043-2018.

The petitioners seek issuance of a direction to respondent No.1 to decide representation dated 23.01.2018 (Annexure P-9), in accordance with Section 12 of the Punjab Panchayati Raj Act, 1994.

The precise prayer in the instant petition is to reserve the post of Sarpanch of Gram Panchayats and others posts in the Village of the petitioners for the purpose of election in favour of Scheduled Caste candidates.

As per the reply filed, notification dated 27.08.2018 (Annexure R-1) has been issued by the State of Punjab regarding reservation for the post of Sarpanch of the Gram Panchayats and other posts. Rule 6A inserted vide notification (Annexure R-1) reads as under:-

“6-A. (1) The Gram Panchayat wise rotation of reservation for the offices of Sarpanches of Gram Panchayats in the respective district shall be made by the Deputy Commissioner in accordance with the provisions of the Act and these rules from time to time. As per the principle of rotation, reservation in the roster shall begin from first non reserved Panchayat in the order of Scheduled Caste, Scheduled Caste Women and Women. The remaining Panchayats shall be unreserved. All the offices of Sarpanchs of Gram Panchayats shall be

unreserved. All the offices of Sarpanchs of Gram Panchayats reserved for Scheduled Castes, Scheduled Caste Women and Women respectively in different block of respective district at the time of election held in 2013, shall be merged category wise and placed at the top of the roster as per seriatim given below:-

- (a) First Scheduled Castes; then*
- (b) Scheduled Castes Women; and then*
- (c) Women*
- (2) All the offices of Sarpanchs of newly constituted Gram Panchayats in a district shall be placed at the end of newly prepared Roster.*
- (3) The roster for the reservation of the offices of Sarpanchs of Gram Panchayats in a district shall be placed at the end of newly prepared Roster.*
- (4) The Roster for the reservation of the offices of Sarpanchs of Gram Panchayats shall be notified minimum fifteen days before the date of presentation of nomination papers.”*

It has been asserted that reservation will be made as per notification Annexure R-1. It has also been noticed in the notification (Annexure R-1) that the roster for the office of Sarpanch of Gram Panchayat shall be notified minimum 15 days prior to the presentation of the nomination papers. However, this Court feels that the time of 15 days is grossly inadequate.

Learned State counsel, on instructions, states that the issue regarding altering of 15 days time notified in the notification (Annexure R-1) is under active consideration of the competent authority.

In this view of the matter, the present petition are disposed of.

However, in case, the period is not increased from 15 days to at least one month, the petitioners shall have the liberty to revive the instant petitions or file afresh on the same cause of action.

25.10.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No