

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

107

(PROCEEDINGS THROUGH V.C.)

CIVIL WRIT PETITION NO.10776 OF 2020

DATE OF DECISION: AUGUST 14, 2020

Yudhishther

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R. S. Sihota, Sr.Advocate with
Mr. Parveen Chauhan, advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl.Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for quashing/setting-aside of resolution No.2 dated 29.01.2020 (Annexure P-2) passed by the General Meeting of House of Zila Parishad, Palwal, whereby power to use and disburse funds amounting to ₹6,58,77,165/- released by the State Government has been delegated to the Chief Executive Officer, Zila Parishad, Palwal (respondent No.4), who has been appointed under Section 133 of the Haryana Panchayati Raj Act, 1994 (for short, “the 1994 Act”) to Chairperson, Zila Parishad Palwal (respondent No.5) in total violation of the provisions of the 1994 Act, more specifically Section 134 of the 1994 Act.

On considering the submissions made by learned senior counsel for the petitioner, counsel for the State had been called upon vide order dated 28.07.2020 with regard to the powers, which have been

given/delegated to the President as per Clause (B) of Resolution No.2 dated 29.01.2020 (Annexure P-2).

Learned counsel for the State, on instructions from Mr.Amit Kumar, Chief Executive Officer, Zila Parishad, Palwal-respondent No.4 states that the impugned resolution only gives an authority to the President to make a recommendation with regard to prioritizing of the works. It does not, in any manner, confers power of disbursal of funds, which continues to be with the Chief Executive Officer, Zila Parishad, Palwal, who, on consideration of such recommendation of the President, may proceed to either accept it or to ignore it in accordance with the powers conferred on him being the Drawing and Disbursing Officer. The resolution appears to be only giving an authorization to the President for recommending on the basis of urgency of the work a particular item, which may be taken on priority basis and nothing more.

In the light of the statement made by counsel for the State, this Court is satisfied that the resolution, which has been passed by the Zila Parishad, Palwal, does not in any manner impede upon the powers of the Chief Executive Officer, Zila Parishad, Palwal, as conferred under the 1994 Act.

With the above observations, the writ petition stands disposed of.

August 14, 2020
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(AUGUSTINE GEORGE MASIH)
JUDGE

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