

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15061 of 2020

Date of Decision:-22.09.2020

Menka Devi.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Sanjeev Kumar, Advocate for the Petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana.

JASWANT SINGH, J.

Petitioner by way of filing the present writ petition has sought issuance of writ in the nature of Certiorari for quashing the impugned Office letter/order dated 25.10.2019 issued by Additional Deputy Commissioner, Charkhi Dadri (P-2) whereby resolution was passed for non confidence motion against the petitioner and to elect a new Vice Chairperson against the Rules of Haryana Panchayati Raj Rules, 1995.

Ld. Counsel for the petitioner-Menka Devi has argued that she has been illegally removed from the post of Vice Chairman of Bond Block Samiti, Charkhi Dadri vide impugned letter/ order dated 25.10.2019 (P-2) in complete contravention of Rule 10 of Haryana Panchayati Raj Rules, 1995, as per which a notice of atleast 7 days was mandatory before convening a meeting seeking no-confidence motion against the petitioner. As per him the notice was sent on 31.10.2019 for a meeting to be held on 04.11.2019, which was received by petitioner on 03.11.2019. Hence prayer for quashing the order dated 25.10.2019.

We have heard Ld. Counsel for petitioner at length, however, on a pointed query he has not been able to explain the delay in approaching this Court as she was removed almost a year back and someone has been appointed in her place. Be that as it may, admittedly, the order of removal is of 04.11.2019 and not of 25.10.2019 as impugned by him and thus, on this score alone the writ petition is bound to fail. The proceeding of 25.10.2019 (P-2) is a mere meeting convened by Additional Deputy Commissioner, Charkhi Dadri acknowledging the resolution passed by Panchayat Committee seeking petitioner’s removal and appointment of new Vice-President. The Additional Deputy Commissioner fixed the meeting for removal of petitioner for 04.11.2019 i.e after more than mandatory period of 7 days as prescribed under Rule 10 of 1995 Rules and this notice was also sent petitioner who is serial no. 20 of the proceedings. We have also expressed our dissent to the interpretation of Rule 10 of 1995 Rules given by petitioner as we are *prima-facie* of the view that notice has to be **issued** seven days prior and not delivered/ sent.

Faced with this situation and sensing that this court is not in agreement with him, he prays for withdrawal of the writ petition.

Prayer is allowed and the present writ petition is ordered to be dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

September 22, 2020
Vinay

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