

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition No.12997 of 2020

Date of Decision: 28.08.2020

Resham Singh & others

...Petitioner (s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Imran Ahmad Ali, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioners, who are claiming to be elected Sarpanches of various villages of Block Hoshiarpur have filed this petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing the respondents to pay honorarium/allowance to them.

Counsel for the petitioners has referred to notification dated 02.11.2011 (Annexure P-1) issued by the Financial Commissioner and Secretary to Government of Punjab, Department of Rural Development and Panchayats, whereby the Sarpanches/authorized Panches have been held entitled to receive honorarium @ Rs.1,200/- per month w.e.f. 01.11.2011.

Said honorarium is payable by the Office of Block Development and Panchayat Officer after getting a certificate issued by the Social Education and Panchayat Officer, duly countersigned by the Block Development and Panchayat Officer, to the effect that the Sarpanch or authorized Panch, as the case may be, has neither committed any omission or commission in the affairs of the Gram Panchayat nor caused any loss to the Gram Panchayat fund. Learned counsel further submits that the petitioners have not committed any default disentitling them from claiming honorarium, but the petitioners have not been released their permissible honorarium despite their being representations submitted by them. He has referred to representation dated 04.06.2020 (Annexure P-3) submitted by Resham Singh, Ram Lubhaya and Nasib Chand, petitioners no.1 to 3.

Notice of motion.

On the asking of the Court, Mr. Nikhil Chopra, Addl.AG, Punjab accepts notice on behalf of the respondents-State.

Without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to Director, Rural Development and Panchayat, Punjab, respondent no.2, to take note of the representation dated 04.06.2020 (Annexure P-3) submitted by petitioners no.1 to 3 and decide the same in accordance with law/instructions, as applicable in the facts and circumstances of the case, within a period of six months from today. However, in case the authorities come to a conclusion that the petitioners are entitled for honorarium, as claimed in representation Annexure P-3, the arrears shall be restricted for a period of 38 months only.

Since the representation dated 04.06.2020 (Annexure P-3) has been moved by Resham Singh, Ram Lubhaya and Nasib Chand, petitioners no.1 to 3 only, the remaining petitioners would be at liberty to submit their respective representation(s) to the authorities concerned within two months from today. In case, any such representation is filed by the remaining petitioners, the same shall also be decided by the concerned authorities within a period of six months from the date of receipt of such representation(s).

Disposed of.

August 28, 2020
AK

(**HARI PAL VERMA**)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No