

CWP-9418-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

CWP-9418-2021

Date of Decision: 04.05.2021

Sanjeev Attri

...Petitioner

Versus

Rajesh Bainsla, Advocate & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Akshay Dahiya, Advocate,
for the petitioner.

Mr. Kunal Muthreja, Advocate
for respondent No.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 22.04.2021
(Annexure P-1) passed by the Election Tribunal, Bar Council of Punjab and
Haryana at Chandigarh (hereinafter referred to as 'Tribunal') in Election
Petition No.2 of 2020, preferred by one Shri Rajesh Bainsla, Advocate
(respondent No.1 herein), whereby the election held to the Faridabad
District Bar Association on 10.11.2020 has been set aside.

It is the contention of the learned counsel for the petitioner that
the fault in the process of election, if any, is not attributable to the

petitioner, who has been elected as Additional Secretary, District Bar Association, Faridabad, in the election held on 10.11.2020. He submits that the findings as have been recorded by the Tribunal are, in any case, pointing out towards the faults of Nirdosh Gujjar, Advocate (respondent No.4 herein), who was appointed as the Returning Officer. He asserts that the faults, which are all attributable to respondent No.4, cannot be a ground for punishing the petitioner, who has been elected by the popular mandate of the members of the Bar Association. He, therefore, contends that the impugned order dated 22.04.2021 (Annexure P-1) cannot sustain and deserves to be set aside.

We have considered the submissions made by the learned counsel for the parties and with his assistance have gone through the impugned order dated 22.04.2021 (Annexure P-1) but do not find any substance in his submissions.

The findings which have been returned by the Tribunal vide order dated 22.04.2021 is based upon proper appreciation of the pleadings and the evidence which has been brought on record. The faults and the illegality, which have been pointed out in the conduct of the election, may be said to be attributable to the action/inaction on the part of the Returning Officer but the same being in violation of the Election Rules of Bar Council of Punjab and Haryana, 2015 and in violation of the Bar Council of India's orders/observations which have been made, cannot be said to be mere irregularities. The findings as returned by the Tribunal, therefore, cannot be said to be either illegal, unjustified or without any basis.

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We do not find any ground to interfere in the impugned order dated 22.04.2021 (Annexure P-1) passed by the Election Tribunal, Bar Council of Punjab and Haryana at Chandigarh – respondent No.3 and the writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

04.05.2021
Harish

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