

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

204

CWP-11664-2021 (O&M)

Date of decision: 09.07.2021

BAGO BAI

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Alisha Arora, Advocate for the petitioner.
Ms. Sunint Kaur, AAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 02.07.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is the Chairman of Panchayat Samiti, Block Fazilka. She claims that at the behest of a politician (respondent No.6), efforts are being made to illegally remove her. In fact, it is further stated that 'no confidence motion' was moved which failed vide the resolution dated 28.06.2021 (Annexure P-16). The learned counsel contends that as per proviso 2, Section 112 of the Punjab Panchayati Raj Act, 1994, no confidence motion can be brought into effect within a period of 2 years from the date of previous meeting in which no confidence motion failed.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, enters appearance for respondent No.1 to 4.

Keeping in view the allegations made, the Director,

Rural Development and Panchayat, Punjab, is requested to file his own affidavit disclosing the facts.

At this stage, no notice is required to be issued to respondent No.5 and 6.

Adjourned to 09.07.2021.”

A short reply by way of affidavit of the Director, Rural Development and Panchayat, Punjab, has been filed in compliance with the order dated 02.07.2021 and the same is taken on record. Paras 5 to 7 of the reply be read as under:-

5. That it is pertinent to mention here that minimum 9 members constitute the quorum and as per the copy of last meeting's resolution showed that 11 members including the petitioner have signed the resolution.

6. That in view of the aforesaid facts, it become necessary to appoint a senior officer of the Rural Development and Panchayat Department at the District Headquarter, who will personally supervise the smooth functioning of panchayat samiti Fazilka. Accordingly, Sh. Sagar Setia, IAS, Additional Deputy Commissioner (Development) is deputed to supervise the smooth functioning of the meeting of panchayat samiti Fazilka. In this regard, the Superintendent o/o Additional Deputy Commissioner (Development), Fazilka will issue the agenda on 08.07.2021 as per the provisions of Punjab Panchayati Raj Act, 1994. The meeting will be held on 15.07.2021 at 11.30 am in the office of Additional Deputy Commissioner (Development), Fazilka under the supervision of Additional Deputy Commissioner (Development), Fazilka and in this meeting all the pending works of panchayat samiti including the spending of 14th and 15th FC grants will be taken

up. An amount of Rs.1.34 crore of FC grants are available with the panchayat samiti.

7. That further Sh. Arun Kumar Sharma, Additional Deputy Commissioner (Development), Ferozepur has been directed to visit the office of Panchayat Samiti, Fazilka on 13.07.2021 and submit a report to the deponent regarding current affairs of panchayat samiti, Fazilka and he will also inquire into the role of officials posted at panchayat samiti, Fazilka. He will ensure that the meeting scheduled for 15.07.2021 is held in a peaceful manner. He is also directed to personally meet the Deputy Commissioner, Fazilka and Senior Superintendent of Police Fazilka. It is further submitted that Senior Superintendent of Police, Fazilka has been asked to provide adequate security for the meeting which is to be held on 15.07.2021.

Ms. Sunint Kaur, AAG, Punjab, admits that once the 'no confidence motion' has failed, a fresh 'no confidence motion' can be brought as per proviso to Section 112 of the Punjab Panchayati Raj Act, 1994.

In view thereof, no further order is required to be passed.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

09.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE