

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.18858 of 2022 (O&M)

Date of Decision.13.09.2022

Lakhwinder Singh and others

...Petitioners

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pardeep Bajaj, Advocate
for the petitioners.

Mr. Rohit Bansal, Sr. DAG, Punjab.

Mr. Ashwani Parashar, Advocate
for respondent No.8.

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JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed seeking a writ in the nature of certiorari for quashing the election programme (Annexure P-1) published in the local newspaper on 20.08.2022.

In brief the facts are that an election programme to conduct elections of Board of Directors of Ferozepur Central Cooperative Bank Ltd., Ferozepur was issued. As per the said programme, notices were to be issued by the District Magistrate to all the participating cooperative societies by 25.11.2021 and last date for filing the nomination papers was 24.12.2021. Nomination papers were to be filed between 10 AM to 12 Noon at the Head Office of the Bank, Ferozepur. The display of nomination papers was to take place on 24.12.2021 between 12 Noon to 12.30 PM whereas objections to the nomination papers were to be filed on the same day between 12.30 PM to 2 PM. Time was thereafter fixed on the same day for hearing of objections, scrutinizing the nomination papers, display of the list of valid nomination papers between 2 PM to 4.30 PM and time for withdrawal of the nomination

papers was fixed between 4.30 PM to 5 PM. On the same day, list of uncontested candidates was to be displayed at the Head Office till 5 PM and date, time and place for issuing the list of contesting candidates was also given till 5 PM on the same day.

Learned counsel appearing on behalf of the petitioners would contend that the election process had commenced along with notices having been sent by the District Magistrate and the candidates including petitioners filed their nomination papers in accordance with the election programme. The nomination papers were duly filed between the stipulated time slot at the head office. It is submitted that other than petitioners herein, no other persons submitted their nomination papers. However, on account of proceedings having been stayed by this Court, the election process was not completed and now instead of fresh election process, the same process which had ensued and stayed by this Court should be allowed to continue. It is argued that petitioners herein ought to have been declared uncontested and therefore, would form a part of the Board of Directors.

Respondent No.8, who is present in Court in person, has filed his short reply and has also brought the proceeding book in the court today, which has been perused.

I have heard learned counsel for the parties and have also gone through the proceeding book. This Court is not inclined to allow the prayer as sought by the petitioners herein. It is admitted fact that the petitioners herein had submitted their nomination papers to be elected to the Board of Directors and there were no objections received to the said nomination. However, this Court cannot lose sight of the fact that entire election process as per the programme had been stayed by this Court by an order dated 20.12.2021 i.e.

prior in time to the nomination papers being filed before the Election Programme Officer. Even though the order dated 20.12.2021 had stayed the election process, the same was produced before the Returning Officer on the date of election itself i.e. 24.12.2021. The proceeding book, however, does not reflect as to what time, the stay order was received but it is clear that the Returning Officer deemed it appropriate to stay the entire election process to await the decision of the writ petition. The time for filing of objections was subsequent to the filing of the nomination papers and if the entire proceedings had been stayed, it cannot be discerned whether or not any objections would have come forth or whether nomination papers would have been scrutinized and found in order for a person to have been declared uncontested/successful. It would be pertinent to note that CWP No.25692 of 2021 has been dismissed as having been rendered infructuous as recently as 17.02.2022 and it is thereafter that the election process has ensued. The argument raised by the counsel appearing for the petitioners that the election process ought to continue as per the programme that had been initiated in the year 2021 is not enough for this Court to be persuaded otherwise. There is nothing that would establish that the petitioners herein had been declared successful, even though there is argument raised that no other nomination papers had been filed. Therefore, this Court is of the opinion that the election programme, which has already been put in place, be allowed to continue.

Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

September 13, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No