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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.27451 of 2023
Date of Decision: 06.12.2023

DISTRICT BAR ASSOCIATION, S.A.S. NAGAR AND OTHERS
.....Petitioners

Vs

BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH AND
OTHERS
.....Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. A.D.S. Jattana, Advocate and
Mr. Mandeep Singh,
for the petitioners.

Mr. Ravinder Malik (Ravi), Advocate and
Ms. Seema, Advocate
for respondents No.1 to 4.

Mr. Amit Jhanji, Sr. Advocate with
Mr. Sachit Singla, Advocate
for respondent No.5.

Mr. I.S. Pabla, Advocate
for Snehpreet Singh.

G.S.SANDHAWALIA, J.(Oral)

[1]. Challenge herein is made to the various orders passed by
respondent No.2-Election Committee of the Bar Council of Punjab and
Haryana, Chandigarh under Article 226 of the Constitution of India.

[2]. Petitioner No.1 is the District Bar Association represented
through the present President, who is also arrayed as petitioner No.2,
whereas petitioner No.3 is the Returning Officer, stated to have been
allegedly nominated by the General House of petitioner No.1 on
07.11.2023.

[3]. Vide the impugned orders dated 17.11.2023, 18.11.2023, 21.11.2023 (Annexure P-17) and 25.11.2023 (Annexure P-18), respondent No.2 has come to the conclusion that record has not been handed over for verification of the list of members of the Bar Association at Mohali. Resultantly, petitioner No.3 has been removed from the post of Returning Officer and *Ad Hoc* Committee has been constituted comprising of five persons represented through respondent No.5. Vide order dated 25.11.2023 (Annexure P-18), further directions were also issued to the Returning Officer and President to immediately bring the entire records pertaining to the election process of the District Bar Association, SAS Nagar before the Bar Council and hand over the same to the Additional Secretary forthwith.

[4]. Notice of motion.

[5]. Mr. Ravinder Malik (Ravi), Advocate accepts notice on behalf of respondents No.1 to 4 and Mr. Sachit Singla, Advocate accepts notice on behalf of respondent No.5. Mr. I.S. Pabla, Advocate put an appearance on behalf of Snehpreet Singh, the earlier President of the Bar Association.

[6]. Learned counsel for the petitioners has shown us various communications addressed to respondent No.2 and it is his contention that the requisite lists have been forwarded to the Bar Council. He has also pointed out the fact that communication dated 14.11.2023 (Annexure P-11) had also been received from respondent No.1 and he had circulated the information to the requisite members of the Bar Association that in case, the members want to cast their right to vote as per Rule of 'One Vote One Bar', they had to do the needful, otherwise names would be deleted from both the lists of Bar Associations. Similarly, communication earlier circulated to the

members of the Bar Association on 09.11.2023 (Annexure P-10) has also been referred to show that the members were informed that the persons who were listed in the objectionable list were to clear their objections. It is also his case that the previous President Snehpreet Singh is in possession of the record, which is clarified from the fact that he in his cross-examination in an Election Petition had admitted the said fact. The cross-examination was conducted on 01.04.2023.

[7]. Mr. I.S. Pabla, Advocate who had put an appearance on behalf of said person to counter the said allegation submits that the records were submitted on 16.09.2022 vide diary No.10923, which we see is apparently in contradiction to the statement of the ex-President in the election petition. It is also apparent from the record that petitioner No.2 way back in January for the first time after being elected on 16.12.2022 had complained to the Chairman of the Bar Council that the record has not been handed over by the earlier President. The said request has been repeated on 04.08.2023 (Annexure P-27) and 20.10.2023 (Annexure P-28). It is thus apparent that the reasoning which is there in the impugned order does not take all these facts into consideration and the Committee has only proceeded on the assumption that the petitioner is not coming forth, which fact is also disputed by the petitioner on the ground that he was never served or intimated. However, counsel for petitioner No.2 submits that he is not even standing for the forthcoming election, whereas Snehpreet Singh is one of proposed candidate to be, who is now standing for the election, which is to be held on 15.11.2023. He is thus only aggrieved against the methodology which has been resorted to and the direction issued and rather it is pointed

out that the possession of the record would amount to a disqualification for Snehpreet Singh.

[8]. We do not comment upon the conduct of ex President keeping in view the fact that he is not a party though aware of the proceedings. It is for respondent No.2 to take into account, whether they are hounding the right person or protecting the wrong one. Accordingly, we direct that respondent No.2 shall re-consider the whole aspect keeping in view the observations expeditiously since the election is already scheduled for 15.11.2023 and the interests of the members of the Bar of Mohali are involved. Learned counsel for the petitioners has assured that petitioners No.2 and 3 shall present themselves before the Election Committee on 08.12.2023 at 3:00 PM. Accordingly Mr. I.S. Pabla, Advocate shall also intimate Snehpreet Singh to produce the record before the Committee for proper adjudication of the matter.

[9]. With the aforesaid observations, this writ petition is disposed of.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

06.12.2023

Prince

Whether speaking/reasoned Yes

Whether reportable No