

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3954-2020 (O&M)
Date of decision : 05.02.2024

Kala Singh

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Davinder Singh Khurana, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

Mr. Sandeep Bansal, Advocate
for respondent No.8.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of writ in the nature of mandamus directing respondents No.1 to 7 for taking appropriate action in accordance with the provisions of Punjab Panchayati Raj Act, 1994 as respondent No.8 is holding office of profit being working as A.I.E. Volunteer and is liable to be disqualified under Section 11(g) of Punjab State Election Commission Act, 1994 and Section 208(1) (g) of Punjab Panchayati Raj Act 1994.

It has been contended by learned counsel for the petitioner that respondent No.8 was elected unanimously Sarpanch of the Village while she was holding post of Profit being working as A.I.E. Volunteer, which was violative of the provisions of Punjab Panchayati Raj Act 1994.

The notice was issued by this Court on 13.02.2020 and the respondents No.1, 3 to 5 filed their reply.

Learned counsel for respondent No.8 has submitted before this Court that in CWP No.2891 of 2021, respondent No.8 challenged her termination order from the post of A.I.E. Volunteer. He submits that it was prayed that as the termination order was stigmatic, the same should be passed by mentioning it as dispensed with. He submits that in pursuance to the same the respondent-State had filed a fresh order i.e. R4/2 wherein the order dated 06.08.2020 was modified to the extent that services of Smt. Surinder Kaur as A.I.E. Volunteer are dispensed with w.e.f. 06.08.2020 instead of being terminated. He submits that it was mentioned that there is no relationship of employer-employee of the State with respondent No.8.

Learned counsel for the petitioner, however, has submitted that though the service of respondent No.8 has been dispensed with however, the State has not taken any action on the legal notice dated 24.09.2019 issued by the petitioner on the ground that petitioner was eligible for contesting the election.

On oral request made by learned counsel for the petitioner, the Director, Department of Rural Development and Panchayats, Punjab is impleaded as respondent No.9 in the array of the parties. Registry to carry out the necessary correction in the memo of parties.

After hearing learned counsel for the parties and perusing the record, the present petition is disposed of with a direction to respondent No.9 i.e. Director, Department of Rural Development and Panchayats,

CWP-3954-2020 (O&M)

Punjab to treat this petition as a representation on behalf of the petitioner and decide the same expeditiously preferably within a period of two months from the date of receipt of the copy of the petition as well as the order. It is further directed that personal hearing would also be given to the parties, if need arises.

05.02.2024

ps-I

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No