



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

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LPA NO.1739 OF 2024(O&M)

DATE OF DECISION: 03.09.2024

Geeta Rani Aul

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate,
for the appellant.

Mr. Anurag Chopra, Addl. Advocate General, Haryana

Ms. Kavita Arora, Advocate
for respondent No.5-M.C. Ajnala

G.S.SANDHAWALIA, J (ORAL)

1. Consideration in the present Letters Patent Appeal is to the order dated 11.07.2024 passed by learned Single Judge in CWP No. 15793-2024, whereby the writ petition had been dismissed upholding the order of removal of the petitioner as Municipal Councillor from the Nagar Panchayat/Municipal Council, Ajnala under Section 16(1)(c) of the Punjab Municipal Act, 1911 (for short 'the 1911 Act').

2. Learned Single Judge while dismissing the writ petition came to the conclusion that the petitioner had remained absent for more than three consecutive months in the meetings of the committee and had failed to controvert the above said position. It was also held that for the absence of the petitioner for the aforesaid three consecutive months in the meetings, the reply, as such to the show cause notice was vague and mutually destructive.



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3. Learned Senior counsel for the appellant has vehemently submitted that the petitioner alongwith others were agitating for their grievance before this Court for non-holding of 'No Confidence Motion' and therefore the ground for removal was bad and the learned Single Judge has failed to appreciate this fact.

4. Mr. Chopra, learned Additional Advocate General, on the other hand, pointed out that the order passed by the authorities is after taking into consideration the report received regarding non attendance of the meetings by the appellant and under these circumstances, the order passed by learned Single Judge is justified.

5. Learned counsel for respondent No.5- Municipal Council submitted that the defence was never taken by the petitioner in the earlier writ petition.

6. Learned Single Judge also after going through the pleadings noticed that plea was taken by the petitioner that she was not informed of the meetings from January 2023 to March 2023 and on the other hand, it is also stated that though she was present in the meeting but had refrained from signing the proceedings; however, there is no details of all such meeting, except referring to meeting dated 15.12.2022. The affidavit, which has been relied upon of the co-municipal councillors that she had really attended the meeting, were noticed to be executed on 26.06.2024 i.e. after the passing of the impugned order dated 14.06.2024. It was also noticed by learned Single Judge that apparently, no such affidavit(s) were submitted before respondent No.1 either along with reply dated 08.12.2023 submitted by to the show



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cause notice or otherwise, and the filing of affidavits was only an afterthought. It was also noticed by learned Single Judge that the petitioner has also failed to refer to any material to indicate that the petitioner had ever raised any objection as regards her assertion that although no meeting was held but the signatures of the councillors were taken from their houses.

There was specific charge keeping in view the provisions of Section 16(1)(c) of the 1911 Act and show cause notice dated 20.11.2023 (Annexure P-9), which was served upon the appellant, as such, shows that there is specific charge for being continuously absent from the meetings on various dates i.e. 12.07.2021, 26.07.2021, 11.08.2021, 07.01.2022, 02.01.2023, 27.02.2023 and 29.03.2023.

7. The reply to the show cause notice dated 08.12.2023 (Annexure P-10) was that 10 Municipal Councillors had requested that a meeting be convened for initiating no confidence motion against the Chairman/President on 07.08.2023 and that no meeting had been conducted for the last 05 months. The plea was taken that as per Municipal Act 1911, action can be taken if there is a default with regard to absence of three regular meetings. Regarding the meetings to be held in the month of January 2023 to March 2023, complaint had been made to higher officers that no meeting was held and signatures of the councillors were got from their houses and her signatures were not taken deliberately. Reference was made to filing of the writ petition before this Court and plea taken was that she was never informed about the meetings from January to March 2023.



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8. Keeping in view the show cause notice and reply and the order passed by the learned Single Judge regarding the issue of her presence was rejected, on the ground that she was not performing her duty in a rightful manner and she was rightly removed from the membership and upholding the removal of the petitioner as Municipal Councillor from the Nagar Panchayat/Municipal Council, Ajnala.

9. We have gone through the writ petition filed on an earlier occasion in October 2023, wherein the prayer was for taking action regarding no confidence motion against the President in compliance of Section 25 of the 1911 Act wherein the petitioner was arrayed as petitioner no.9. Perusal of the writ petition would show that the whole grouse of the petitioners was that meeting was not being called regarding no confidence motion. The stand of the appellant in the reply to the show cause notice is also regarding the filing of the writ petition wherein the assertion was that no such issue was raised and that no meeting was held or if the same was held in the presence of the petitioner, she was marked as absent on three consecutive months from January 2023 to March 2023. If the petitioner had any such grouse, she would have manifested the issue in the petition filed by her at an earlier point of time not only by her but also by other councillors. It is, thus, apparent that the findings arrived at by learned Single Judge are based on a valid reason.

10. It is pertinent to notice here that CWP-24683-2023 was disposed of vide order dated 03.11.2023 with direction to decide the representation. The authorities vide order dated 06.02.2024 recorded the

findings that no representation had been received regarding the proposal as such to remove the President and no requisition had been received, which is required under the Rules.

11. In view of the cumulative material discussion and as there were no affidavits filed by the co-municipal councillors in support of her defence, which had been set up in the show cause notice and only general affidavits after the order having been passed, had been appended with the petition, the learned Single Judge was correct to hold that it was an after thought. It was always open to the appellant to get the necessary affidavits and attach them alongwith the reply to show cause notice in order to support her case, which she has failed to do so.

12. In such circumstances, we are of the considered opinion that the view taken by learned Single Judge is a plausible view, which we are not inclined to interfere with and accordingly, the present appeal is dismissed.

13. Pending applications, if any, shall stand disposed of along with this.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

03.09.2024
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1. Whether speaking/reasoned? Yes
2. Whether reportable? No