



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

104+297

**CM-17978-CWP-2025 in/and
CWP-3253-2025 (O&M)**

Date of decision: 04.12.2025

JYOTI BHATIA

....Petitioner

Versus

**ADDITIONAL DISTRICT MAGISTRATE CUM AUTHORITY
AND OTHERS**

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sidhant Vermani, Advocate,
for the petitioner.

Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate,
for applicant/respondent No.3.

KULDEEP TIWARI, J. (Oral)

CM-17978-CWP-2025

Application is **allowed**, as prayed for subject to all just exceptions and the affidavit dated 19.11.2025, is taken on record as Annexure R-3/2.

CWP-3253-2025

1. Through the instant writ petition filed under Article 226 of the Constitution of India, a challenge is thrown to the order dated 29.11.2024 (Annexure P-5), passed by the learned Additional District Magistrate-cum-Appellate Tribunal, Amritsar (Respondent no.1), whereby the order dated 11.07.2024 (Annexure P-3) passed by the learned Sub-Divisional Magistrate-cum-Tribunal, Amritsar-1 (Respondent no.2), has been set aside.



2. Learned counsel for the petitioner submits that the petitioner (senior citizen), had preferred an application under the provisions of Section 5(1)(a) and (b) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which was allowed vide order dated 11.07.2024, with a direction upon respondent no.3(son) to pay a sum of Rs.65,000 (Rs.10,000+55,000), per month on account of maintenance/alimony. However, upon challenging the aforesaid Award by respondent no.3(son), the same was set aside vide order dated 29.11.2024 (Annexure P-5), and the aforesaid awarded maintenance was reduced to Rs.10,000/- per month .

3. During the course of hearing, learned counsel for the petitioners points out that the impugned order dated 29.11.2024 (Annexure P-5), has been passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone. He draws attention of this Court towards the Punjab Government Notification bearing No. 8/10/2008-8SS/542 dated 15.07.2008, and in exercise of powers conferred under Sections 7(1)&(2) and 15(1)&(2) of the Act of 2007, the Governor of Punjab constituted the Maintenance Tribunals/Appellate Tribunals, and their jurisdictions for the implementation of the Act of 2007, are as under:-

Sr. No.	Name of the Tribunal	Jurisdiction	Presiding Officer of the Tribunal
1.	Maintenance Tribunal	Sub Division of the District concerned	Sub Divisional Magistrate of the area concerned
2.	Appellate Tribunal	District concerned	District Magistrate of the area concerned

4. Consequently, it is submitted that since the impugned order has not been passed by the statutory authority, i.e. District Magistrate, but



by an authority exercising sub-delegated powers, i.e. Additional District Magistrate, the same is liable to be set aside.

5. Upon being pointedly asked, as to whether, under the statutory provisions, the District Magistrates/Presiding Officers of the Appellate Tribunals are competent to sub-delegate the quasi-judicial functions and powers vested in them by statute, learned State counsel fairly concedes that such functions and powers cannot be sub-delegated. Moreover, he has furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women & Child Development, Punjab, wherethrough, it has been categorically clarified to all the concerned authorities that the District Magistrates/Presiding Officers of the Appellate Tribunals constituted under the Act of 2007 are not authorized to sub-delegate their quasi-judicial functions and powers to any subordinate or other officer, irrespective of rank or competence. The relevant portion of the instructions is extracted hereunder:-

“To

All District Magistrates/Presiding Officers, Appellate Tribunal Constituted under Sections 15(1) & 15(2) of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

No. P-3(SS)/2025/82189

Dated, Chandigarh 27-10-2025

Sub: Implementation of the Hon'ble High Court Order dated 26.09.2025 in CWP No. 27866 of 2025 - Davinder Singh vs. Additional District Magistrate & Others.

In continuation of this Department's Notification No. 8/10/2008-8SS/798 dated 27th August 2008, (Flag-A) whereby the District Magistrates were designated as Presiding Officers of the Appellate Tribunals constituted under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, attention is in-



vited to the recent directions issued by the Hon'ble Punjab and Haryana High Court, Chandigarh, in CWP No. 27866 of 2025 - Davinder Singh vs. Additional District Magistrate & Others decided on 26.09.2025. (Flag-B)

2. *The Hon'ble Court has categorically clarified that the District Magistrates/Presiding Officers of the Appellate Tribunals constituted under the said Act are not authorized to sub-delegate their quasi-judicial functions and powers to any subordinate or other officer, irrespective of rank or competence.*

3. *Pursuant to the said judgment, the Office of the Worthy Chief Secretary to Government of Punjab, vide letter No.OSD(L)/CS/2025/64708997 dated 09.10.2025, (Flag-C) has directed that the above order be circulated to all concerned authorities for meticulous compliance.(Copy enclosed along with Hon'ble Court orders).*

4. *It is, therefore, requested to ensure strict and prompt compliance with the aforesaid directions of the Hon'ble High Court and the Chief Secretary's Office. It may further be ensured that a copy of these orders is circulated to all Sub-Divisional Magistrates under your jurisdiction for necessary action and adherence.*

5. *Non-compliance may attract adverse observations from the Hon'ble Court; therefore, the matter may be treated as Top Priority.*

Encls. As above.”

6. In view of the abovesaid conceded position, the impugned order does not pass the test of legality, and requires interference of this Court. Consequently, **the impugned order is set aside** and the **matter is remitted** to the District Magistrate-cum-Appellate Tribunal concerned, for adjudication afresh, in accordance with Section 16 of the Act of 2007. Both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal on 23.12.2025 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within



two months, after affording adequate opportunity of hearing to the parties.

- 7. **Disposed of**, accordingly.
- 8. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

04.12.2025
dharamvir

Whether speaking/reasoned	Yes
Whether reportable	Yes/No