

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

**101**

**CWP-27866-2025  
Date of Decision : September 26, 2025**

**DAVINDER SINGH**

**-PETITIONER**

**V/S**

**ADDITIONAL DISTRICT MAGISTRATE AND ORS.**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Raj Kumar Kakkar, Advocate (Through V.C.)  
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

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**KULDEEP TIWARI, J. (ORAL)**

1. In view of 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 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as ‘Act of 2007’), the Governor of Punjab constituted the Maintenance Tribunals/Appellate Tribunals. 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       |

2. It has come to the notice of this Court that some of the District Magistrates/Presiding Officers of the Appellate Tribunal, as constituted through the notification (supra), have now sub-delegated their quasi judicial

functions and powers to Additional District Magistrates or other officers. The order impugned through the instant writ petition has also been passed by an authority exercising such sub-delegated powers, i.e. by the Additional District Magistrate, Fazilka.

3. This Court posed a specific query to learned State counsel as to whether, under the statutory provisions, the District Magistrates/Presiding Officers of the Appellate Tribunal are competent to sub-delegate the quasi-judicial functions and powers vested in them by statute. Learned State counsel has fairly conceded that such functions and powers cannot be sub-delegated.

4. In summa, the **impugned order dated 15.07.2025 (Annexure P-7), as passed by the Additional District Magistrate-cum-Appellate Tribunal, Fazilka is hereby set aside** and the **matter is remanded** to the District Magistrate-cum-Appellate Tribunal, Fazilka, for fresh adjudication in accordance with Section 16 of the Act of 2007.

5. It is hereby clarified that the District Magistrates/Presiding Officers of the Appellate Tribunal, constituted through the notification (supra), are not authorized to sub-delegate their quasi-judicial functions and powers to any subordinate or other officer, irrespective of rank or competence.

6. Registry is directed to send a copy of this order to the Chief Secretary, Government of Punjab, thereby enabling him to circulate it further to all the authority(ies) concerned for meticulous compliance.

7. **Disposed of accordingly.**

September 26, 2025  
devinder

(KULDEEP TIWARI)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |