



CWP-7032-2022

1

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

(211)

CWP-7032-2022

Date of Decision : 06.05.2026

Surender

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lalit Kumar Yadav, Advocate for
Mr. V.K. Dhariwal, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana
for respondents No.1 to 3.

None for respondents No.4 to 6.

KULDEEP TIWARI, J. (ORAL)

1. The legality of order dated 23.12.2021 (Annexure P-5), as passed by learned Deputy Commissioner cum District Collector, Bhiwani (respondent No.3), has been put to challenge by the petitioner/senior citizen, wherethrough, the appeal preferred by petitioner/senior citizen, under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007'), was dismissed.

2. Learned counsel for the petitioner/senior citizen, has addressed the principle legal argument, to the effect, that impugned order dated 23.12.2021 (Annexure P-5), is *void* being *coram non judice*. He submits that Govt. of Haryana through the relevant notification dated 08.12.2020, issued by Social Justice, Empowerment, Welfare of Scheduled Castes and Backward



Classes and Antyodaya (Sewa) Department, has notified the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority, which is extracted hereinafter :-

Notification
08 December, 2020

No. 1041-SW(4)-2020.— *In continuation of the Haryana Government Notification No. 1373-SW(4)-2016, dated 17.11.2016, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional level and District level under the Chairmanship of each Sub-Divisional Magistrate and District Magistrate respectively within their respective jurisdiction as per provisions of Section-7 and 15 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and further nominate the other two Non-Official Members of both the Tribunals. The tenure of the Non-Official Members shall be three years from date of joining and both the Tribunals will perform duties/functions as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with Haryana Maintenance of Parents and Senior Citizens Rules, 2009.*

BHIWANI		
APPELLATE TRIBUNAL, BHIWANI		
1.	Deputy Commissioner	Chairman
2.	Sh. Kamal Kishor Bandhu S/o Sh. Banarsi Das, Dadri Gate, Bhiwani 9466546948, 8607146948	Non-Official Member
3.	Sh. Kender Mani S/o Sh. Bhopal Singh, House No. 16, Sector– 23, Bhiwani 9466353571	Non-Official Member

3. Learned counsel for the respondents No.1 to 3/State, is unable to refute the submission, as made by learned counsel for the petitioner, to the effect, that the order impugned dated 23.12.2021 (Annexure P-5), is void being *coram non judice*.
4. Despite service, no one has caused appearance on behalf of the respondents No.4 to 6, today in the Court.



CWP-7032-2022

3

5. Before this Court examine the impugned order on merits, let's first deal with the principle argument, as raised by the learned counsel for the petitioner. The impugned order is admittedly, passed by learned Deputy Commissioner-cum-District Collector, Bhiwani, in his individual capacity, which is not the notified Appellate Tribunal, in view of the relevant notification dated 08.12.2020, issued by State of Haryana, therefore, the impugned order 23.12.2021 (Annexure P-5), is *per se* illegal, being *corum non judice*.

6. In view of the above, the impugned order dated 23.12.2021 (Annexure P-5), is hereby, **set aside** and the instant *lis* is **remitted back** to learned Appellate Authority, constituted in view of the notification (supra), issued by the State of Haryana.

7. Both the parties are directed to cause appearance before learned Appellate Authority concerned, on 20.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the instant *lis*, within a period of three months, from the date of receipt of certified copy of this order, after affording adequate opportunity of hearing to the parties concerned.

8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

May 06, 2026
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No