

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9028-2025 (O/M)

Date of decision : 31.01.2026

Vijay Kumar Singla

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Jai Vir Yadav, Senior Advocate with
Mr. Surender Garg, Mr. Tarun Yadav, Mr. Ashutosh Sharma
Mr. Gursimrat Singh Sandhu, Advocates
for the petitioners.

Ms. Anu Chatrath, Senior Additional A.G. Punjab with
Mr. Navneet Singh, Additional A.G. Punjab.

Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate
for applicant-respondent No. 4.

Mr. Rajeev Anand, Senior Advocate with
Mr. Vandit Jain, Advocate
for respondents No. 5 and 6.

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HARSH BUNGER, J.

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 13.03.2025 (Annexure P-4), passed by learned Additional Chief Secretary, Punjab Government, Department of Local Government, whereby petitioner has been removed from the post of President, Municipal Council, Mansa (Punjab).

2. Briefly, petitioner is stated to have been elected as a Member of Municipal Council, Mansa, during the municipal elections, held in the year 2021. Petitioner was further elected as a President of Municipal Council, Mansa in the year 2023.

2.1 It appears that petitioner was arrayed as an accused in a case FIR No. 14, dated 04.06.2024 (Annexure P-5), registered under Sections 7, 7A of Prevention of Corruption Act, 1988 (in short '1988 Act') read with Section 120-B IPC at Police Station Vigilance Bureau, Bathinda.

2.2 That a show cause notice dated 11.02.2025 (Annexure P-2) was issued to petitioner under Section 22 of Punjab Municipal Act, 1911 (in short '1911 Act') on the ground that the petitioner had abused his powers and that there was a habitual failure on his part to perform his duty. Petitioner submitted his reply (Annexure P-3) to aforesaid show cause notice.

2.3 After considering the matter, learned Additional Chief Secretary, Department of Local Government, Punjab, vide impugned order dated 13.03.2025 (Annexure P-4), removed the petitioner from the post of President, Municipal Council, Mansa.

3. In the aforementioned circumstances, petitioner has filed the instant civil writ petition before this Court for seeking relief(s), as noticed hereinabove.

4. Learned senior counsel appearing for petitioner submits that case FIR No. 14 is an outcome of political vendetta as the petitioner is aligned with the Congress, which is not to the liking of present political

set up in the State. It is submitted that the petitioner has been falsely implicated in the said case FIR and he has no concern with the allegations made therein. It is further submitted that registration of a criminal case and making it one of the grounds for invoking provisions of Section 22 of 1911 Act to remove petitioner from post of President of Municipal Council is wholly arbitrary and illegal. Learned senior counsel appearing for petitioner would contend that the petitioner has been removed from the post of President, Municipal Council, Mansa on two grounds; firstly, that petitioner has remained absent from duty for the period from 05.06.2024 to 21.11.2024 and again during the second spell from 09.01.2025 to 20.01.2025 and also with effect from 01.02.2025. Secondly that there has been an abuse of powers by the petitioner.

4.1 Learned senior counsel appearing for petitioner submits that as regards first ground of removal, there was no absence on the part of petitioner nor the petitioner neglected performance of his duties as a President, Municipal Council, Mansa. It is submitted that petitioner had attended all the important meetings and that there is no provision either in the Act or in the Rules, which requires a President of a Municipal Council to attend the office daily like other Government employees. Learned senior counsel appearing for petitioner would also contend that casual failure to perform duties cannot be considered that an individual has failed to perform his duties as there has to be a willful and repeated failure to perform ones duty.

4.2 As regards second ground of removal that there has been an abuse of powers by petitioner, it is contended by learned senior counsel

appearing for petitioner that the sole basis to conclude that there has been an abuse of powers is the registration of FIR. It is submitted that the allegations levelled in the FIR are unfounded and are yet to be proved during the trial. It is further submitted that mere registration of FIR against the petitioner could not have been made basis to conclude that the petitioner has abused his powers. It is contended that the expression 'abuse of powers' occurring in Section 22 of 1911 Act would require willful abuse or intentional wrong in exercise of powers and that too involving dishonesty of intention. Reference is placed upon a judgment passed by Hon'ble the Supreme Court in the case of **'Tarlochan Dev Sharma Versus State of Punjab'**, 2001 (6) SCC 260. With the aforesaid submissions, prayer has been made for setting aside of impugned order.

5. Per contra, learned Senior Additional Advocate General, Punjab appearing for the State, Shri D.V. Sharma, learned senior counsel appearing on behalf Municipal Council, Mansa as well as learned senior counsel Sh. Rajeev Anand; appearing for respondents No. 5 and 6 have opposed the submissions made on behalf of petitioner.

6. It is the common case of respondents that case FIR No. 14, dated 04.06.2024 has been registered against petitioner, wherein allegations of demand and acceptance of bribe have been levelled against petitioner and other municipal officials/employees. It is contended that the aforesaid allegations are grave and serious, affecting the integrity of the office of President of Municipal Council, which further depicts abuse of powers on the part of petitioner. It is further submitted that since petitioner was arrayed as an accused, therefore, he was on the run and

remained absent for prolonged period i.e. from 05.06.2024 to 21.11.2024 (i.e. after registration of FIR) and from 09.01.2025 to 20.01.2025 (i.e. after rejection of anticipatory bail of petitioner) and thereafter, again from 01.02.2025 onwards (i.e. after the petitioner had surrendered in terms of order dated 17.01.2025, passed by Hon'ble the Supreme Court in the anticipatory bail petition filed by petitioner). It is thus contended that on account of his absence, the petitioner has failed to discharge statutory duties enjoined upon a President of Municipal Council, like delay in disbursement of salary, provident fund, civil amenity works, operation of bank accounts of a municipal council etc. Reference is made to provisions contained in Punjab Municipal Act, 1911; Punjab Municipal (Executive Officer) Rules, 1976; Punjab Municipal Rules and Punjab Municipal Account Code. It is also submitted that petitioner was not present at the time of election of Vice President of Municipal Council. It is argued that the petitioner has been rightly removed from the post of President, Municipal Council, Mansa, vide impugned order dated 13.03.2025 (Annexure P-4). Accordingly, prayer for dismissal of instant civil writ petition has been made.

7. After hearing learned senior counsel for respective parties and going through paperbook, following issues arise for adjudication of this writ petition :-

- (1) whether registration of FIR against petitioner alleging demand and acceptance of bribe by the petitioner in connivance with municipal employees, amounts to abuse of

powers as envisaged under Section 22 of Punjab Municipal Act, 1911 ? and

- (2) whether there has been a habitual failure to perform duties on the part of petitioner, in terms of Section 22 of 1911 Act ?

7.1 Coming to issue No. (1), the show cause notice dated 11.02.2025 (Annexure P-2) has been issued under Section 22 of 1911 Act. In the said show cause notice, the official respondents had contemplated to remove the petitioner from the post of President, Municipal Council, Mansa and also supplied him the details of charges, which read as under :-

“Details of charges against Sh. Vijay Kumar Singla, President, Municipal Council, Mansa

- 1. As the FIR No. 14 dated 04.06.2024 under Section 7 and 7-A PC Act, 1988 (as amended in 2018) and under Section 120-B IPC, at Vigilance Bureau, Bathinda has been registered against you and other officers/employees of Municipal Council, Mansa, wherein Sh. Surinder Garg son of Sh. Kashmiri Lal, a resident of Agarwal Colony, Rampura Phul, has alleged that he is President, Khiva Kalan Cooperative Labor Society and his society was allotted a tender for supply of electrical equipment and 11 works of construction of various streets at Municipal Council, Mansa, which was completed by him, but you deliberately stopped bills of electric equipment worth Rs. 2,25,000/- and an amount of Rs. 70,000/- was being demanded by you for the payment of this amount, out of which Rs. 40,000/- was paid to you and when Sh. Surinder Garg came to pay the remaining amount of Rs. 30,000/- to you, then you demanded*

Rs. 40,000/- from him and asked him to give this amount to Jatinder Singh JE. Apart from this, charge against you is that you took Rs. 50,000/- in front of Sonu Contractor as a commission out of Rs. 10 Lakhs for the pipe laying work and asked Sh. Surinder Garg to give the remaining commission to other employees as 18% commission is fixed. Apart from this, Sh. Surinder Garg was again called on telephone by you and asked to pay Rs. 1 Lakh. Thereafter, Surinder Garg filed a complaint with the Vigilance Bureau, Bathinda, in which a bribe of Rs. 1 Lakhs was accepted by Jatinder Singh, JE and in this regard, Jatinder Singh JE was caught red-handed by Vigilance along with the bribe money. This whole situation hurts the image of the Municipal Council and the government.

2. *You being Member of Municipal Council in Municipal Council, Mansa and then as President & as the elected representative of Mansa city and as an example in city council, it was your duty to work with honesty and diligently, but you have been misusing your post while doing your office work and illegal bribery is being done in the Municipal Council and the bills etc. that are normally paid are being stopped by you and that you have misused your post. You never sign cheques of the bills presented by the contractors without getting commission. Instead of stopping corruption in Municipal Council, you yourself has participated in it, the proof of which is that one FIR No. 14 dated 04.06.2024 under Sections 7 and 7-A IPC Act 1988 (as amended in 2018) under Section 120-B IPC was registered against you in which the complainant has mainly levelled allegations against you. Instead of taking*

concrete steps to stop the employees of the Municipal Council from doing corruption, you encouraged them to take bribe, whereas the employees were not supposed to do such an illegal act due to your fear. Apart from the above, you used to deny signing the cheques, due to which there was loss of office work. In this way, the office work is not being done in a proper manner by you and you misused your post/power. The charges levelled against you are very serious and in such a situation, the decision of the Hon'ble Courts will take a lot of time and during such period it is not in the interest of Municipal Council and public that you remain posted on the post of President.

3. *Apart from the said Additional Deputy Commissioner (J), Mansa, vide his letter no. ADC/25 /dated 10.02.2025, it is informed that you remain absent from your duty from 05.06.2024 to dated 21.11.2024 continuously. During such time as there was election of the Vice President on dated 18.7.2024, Vice President took care of the work in your absence. As the most important work of the Municipal Council i.e. signatures on cheques etc. were also not being done in your absence, due to which this issue was brought to the attention of the government by the ADC and the government vide its letter No. S2-JS-DSS-2024-32599 dated 02.07.2024 authorized the ADC to jointly sign the cheques. On dated 19.7.2024 Sh. Sushil Kumar Neenu took charge of the work as Senior Vice President and after his joining, his signature in the Bank was updated. After this, you again resumed your work on dated 22.11.2024 and your signature were got updated in the Bank. After this on dated*

09.01.2025 again Sh. Sushil Kumar Neenu, Senior Vice President worked as Executive President and meanwhile his signature was got updated in the Bank. On dated 20.01.2025 you assumed your work and on dated 20.01.2025 your signature was again got updated in Banks. Subsequently, on dated 01.02.2025, you yourself surrendered in FIR No. 14 dated 04.06.2024 under Section 7 and 7-A PC Act, 1988 (as amended in 2018) and under Section 120-B IPC and you are in judicial custody and Sh. Sushil Kumar Neenu is taking care of the work. In this way, due to your periodic absence, you have been unable to fulfill your assigned responsibilities from time to time, due to which the office work has been disrupted time and again. Apart from this, the meetings of the Municipal Council from time to time are also being held under the supervision of the Senior Vice President. In this way, you have not only been unable to fulfill your office responsibilities, but you have also not attended meetings continuously, due to which you have made yourself a party to the proceedings under the Act by violating the provisions of the Punjab Municipal Act, 1911 and you are also guilty of being unable to perform your duties.

- 4. In all the above situations, there is a self-evident provision under Section 22 of the Punjab Municipal Act, 1911 that whenever a President is continuously unable to perform his duties and misusing his post, then he can be removed from the post of President. Your continuous absence from the Municipal Council firstly from dated 05.06.2024 to 21.11.2024 continuously, then again from dated 09.01.2025 to 20.01.2025 due to which the work was being taken care of by the Senior Vice President and then again*

after being surrendered in the said case on dated 01.02.2025, due to being in judicial custody, there has been loss of official work and thus you have been consistently unable in performing your duty. Apart from this, demanding bribes in office work and not signing cheques and promoting corruption in the Municipal Council is proof that you are misusing your post, by doing this, the image of the government and municipal council is also being tarnished, for which you are guilty. Even at present, you are in judicial custody being accused of a big charge of accepting bribes for payments as President of the Municipal Council, in which strict action must be taken.

As per the above situation, according to the provisions under Section 22 of the Punjab Municipal Act, 1911, that whenever a President is continuously unable to perform his duties and misuse his post, he can be removed from the post of President, it is recommended to remove you from the post of President.”

7.2 Petitioner submitted reply dated 27.02.2025 (Annexure P-3), denying the charges. Thereafter, respondent No. 1 passed impugned order dated 13.03.2025 (Annexure P-4) removing petitioner from post of President, Municipal Council, Mansa on the ground that while working on the post of President, he had consistently remained incapable of performing his duties and at the same time, petitioner had been misusing his position, which tarnished the image of municipal council.

8. The charges levelled against petitioner for his removal, are required to be examined in the context of provisions contained in Section 22 of 1911 Act, which read as under :-

“22. Resignation [or removal] of President and Vice-President. - Whenever a President or Vice-President vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the State Government on the ground of abuse of his powers of or habitual failure to perform his duties or in pursuance of a resolution requesting his removal passed by two-thirds of the members of the committee :

Provided that if a resolution requesting the removal of the President or the Vice-President is passed by two-thirds of the members of the committee the President or, as the case may be the Vice- President shall be deemed to be under suspension immediately after such resolution is passed :

Provided further that before the State Government notifies his removal, the reason for his proposed removal shall be communicated to him by means of a registered letter in which he shall be called upon to tender within twenty-one days an explanation in writing and if no such explanation is received in the office of the 4[appropriate Secretary to Government within twenty one days of the despatch of the said registered letter the State Government may proceed to notify his removal.”

8.1 As per the above extracted provisions of Section 22 of 1911 Act, a President of a municipal council can be removed from his post by the State Government on the ground of abuse of his powers or for habitual failure to perform his duties or when a resolution is passed by two third members of the council.

8.2 This Court is required to see whether there has been an abuse of powers on the part of petitioner or not and secondly, whether the absence of petitioner from 05.06.2024 to 21.11.2024 and then

from 09.01.2025 to 20.01.2025 and thereafter from 01.02.2025 onwards, amounts to habitual failure to perform duties on the part of the petitioner or not ?

9. As regards first question as to whether there has been an abuse of powers by petitioner, it is apposite to state that the term 'abuse of powers' would clearly imply using ones position by corrupt or illegal means i.e. willful use and intentional wrong. Further, the aforesaid term 'abuse of powers' was duly considered by Hon'ble the Supreme Court in ***Tarlochan Sharma's*** case (supra), wherein it was held that unless there is dishonesty or extraneous consideration in doing an act by President, he cannot be removed from such post on the ground of misuse of power. Hon'ble the Supreme Court has observed thus :-

"7. In a democracy governed by rule of law, once elected to an office in a democratic institution, the incumbent is entitled to hold the office for the term for which he has been elected unless his election is set aside by a prescribed procedure known to law. That a returned candidate must hold and enjoy the office and discharge the duties related therewith during the term specified by the relevant enactment is a valuable statutory right not only of the returned candidate but also of the constituency or the electoral college which he represents. Removal from such an office is a serious matter. It curtails the statutory term of the holder of the office. A stigma is cast on the holder of the office in view of certain allegations having been held proved rendering him unworthy of holding the office which he held. Therefore, a case of availability of a ground squarely falling within Section 22 of the Act must be clearly made out. A President may be removed from office by the State Government, within the meaning of Section 22, on the

ground of "abuse of his powers" (of President), inter alia. This is the phrase with which we are concerned in the present case.

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*The word "abuse" as occurring in Section 5(1)(d) of the Prevention of Corruption Act, 1947 came up for consideration of this Court in **M. Narayanan Nambiar v. State of Kerala** [AIR 1963 SC 1116 : (1963) 2 CriLJ 186]. This Court observed: (AIR p. 1118, para 10)*

'Abuse' means misuse i.e. using his position for something for which it is not intended. That abuse may be by corrupt or illegal means or otherwise than those means. The word 'otherwise' has wide connotation and if no limitation is placed on it, the words 'corrupt', 'illegal', and 'otherwise' mentioned in the clause become surplusage, for on that construction every abuse of position is gathered by the clause. So some limitation will have to be put on that word and that limitation is that it takes colour from the preceding words along with which it appears in the clause, that is to say, something savouring of dishonest act on his part. The contention of the learned counsel that if the clause is widely construed even a recommendation made by a public servant for securing a job for another may come within the clause and that could not have been the intention of the legislature. But in our view such innocuous acts will not be covered by the said clause. The juxtaposition of the word 'otherwise' with the words 'corrupt or illegal means', and the dishonesty implicit in the word 'abuse' indicate the necessity for a dishonest intention on his part to bring him within the meaning of the clause."

10. To find the meaning of a word or expression not defined in an enactment the courts apply the "subject-and-object rule" which means ascertain carefully the subject of the enactment where the word or expression occurs and have

regard to the object which the legislature has in view. Forego the strict grammatical or etymological propriety of language, even its popular use; let the subject or the context in which they are used and the object which the legislature seeks to attain be your lenses through which look for the meaning to be ascribed.

"In selecting one out of the various meanings of a word, regard must always be had to the context as it is a fundamental rule that the meanings of words and expressions used in an Act must take their colour from the context in which they appear. Therefore when the context makes the meaning of a word quite clear, it becomes unnecessary to search for and select a particular meaning out of the diverse meanings a word is capable of, according to lexicographers.... Judge Learned Hand cautioned 'not to make a fortress out of the dictionary' but to pay more attention to 'the sympathetic and imaginative discovery' of the purpose or object of the statute as a guide to its meaning." (See Principles of Statutory Interpretation, Justice G.P. Singh, 7th Edn., 1999, pp. 258-59.)

11. The expression "abuse of powers" in the context and setting in which it has been used cannot mean use of power which may appear to be simply unreasonable or inappropriate. It implies a wilful abuse or an intentional wrong. An honest though erroneous exercise of power or an indecision is not an abuse of power. A decision, action or instruction may be inconvenient or unpalatable to the person affected but it would not be an abuse of power. It must be such an abuse of power which would render a Councillor unworthy of holding the office of President. Inasmuch as an abuse of power would entail adverse civil consequences, the expression has to be narrowly construed. Yet again, the expression employed in Section 22 is "abuse of his powers or

of habitual failure to perform his duties". The use of plural powers, and the setting of the expression in the framing of Section 22 is not without significance. It is suggestive of legislative intent. The phrase "abuse of powers" must take colour from the next following expression - "or habitual failure to perform duties". A singular or casual aberration or failure in exercise of power is not enough; a course of conduct or plurality of aberration or failure in exercise of power and that too involving dishonesty of intention is "abuse of powers" within the meaning of Section 22 of the Act. The legislature could not have intended the occupant of an elective office, seated by popular verdict, to be shown exit for a single innocuous action or error of decision..."

10. In the case in hand, the charge concerning abuse of powers on the part of petitioner has been concluded to have been proved merely on the ground that case FIR No. 14 has been registered against petitioner and other municipal council employees, wherein there are allegations of demand and acceptance of bribe and also upon the fact that the plea of anticipatory bail of petitioner was rejected upto Hon'ble the Supreme Court.

10.1 No doubt, the allegations levelled in case FIR No. 14 are serious and grave in nature and if proved against petitioner, the same would indicate abuse of powers or position by the petitioner. However, it is also well settled that a person is presumed to be innocent unless the allegations levelled against him are proved in accordance with law. In ***Harijana Thirupala and Others Versus Public Prosecutor, High Court of A.P., Hyderabad (2002) 6 SCC 470***, Honble Supreme Court observed as under:-

"11. In our administration of criminal justice an accused is presumed to be innocent unless such a presumption is rebutted by the prosecution by producing the evidence to show him to be guilty of the offence with which he is charged. Further if two views are possible on the evidence produced in the case, one indicating to the guilt of the accused and the other to his innocence, the view favourable to the accused is to be accepted. In cases where the court entertains reasonable doubt regarding the guilt of the accused the benefit of such doubt should go in favour of the accused. At the same time, the court must not reject the evidence of the prosecution taking it as false, untrustworthy or unreliable on fanciful grounds or on the basis of conjectures and surmises. The case of the prosecution must be judged as a whole having regard to the totality of the evidence. In appreciating the evidence the approach of the court must be integrated not truncated or isolated. In other words, the impact of the evidence in totality on the prosecution case or innocence of the accused has to be kept in mind in coming to the conclusion as to the guilt or otherwise of the accused. In reaching a conclusion about the guilt of the accused, the court has to appreciate, analyse and assess the evidence placed before it by the yardstick of probabilities, its intrinsic value and the animus of witnesses. It must be added that ultimately and finally the decision in every case depends upon the facts of each case..."

10.2 It is not disputed before this Court that the trial in aforesaid case FIR is still pending and there is no finding by any competent court that the petitioner is guilty of the allegations levelled against him. Therefore, keeping in view the fact that the allegations levelled in FIR are yet to be proved during the trial in case FIR No. 14, in my considered view, the same could not have been made basis for concluding that there

has been an abuse of powers or position by the petitioner within the terms of Section 22 of 1911 Act. Accordingly, issue No. (1) is decided in favour of petitioner.

11. Before advertng to the issue No. (2), it would be apposite to notice some of the relevant statutory provisions concerning the powers/functions of the President of a Municipal Committee.

11.1 Section 25 of the Punjab Municipal Act, 1911 reads as under:-

“25. Times of holding Meetings.—

(1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The President or, in the absence or during the vacancy of his office or during his suspension under Section 22, a Vice-President may, whenever he thinks fit and shall on a requisition specifying the purpose of the meeting made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

(3) If the President or the Vice-President, as the case may be, fails to call a meeting of the committee within a period of fourteen days from the date of receipt of requisition, the members who had signed the requisition may convene a meeting of the committee in accordance with the bye-laws of the committee within a period of thirty days of the making of such requisition and notwithstanding anything contained in this Act such meeting shall be deemed to be a validly convened meeting:

Provided that no business other than that specified in the requisition shall be transacted in such meeting and the

quorum for such a meeting shall be as provided for a special meeting under sub-section (1) of Section 27.”

11.2 Rule 3 of the Punjab Municipal (Executive Officer) Rules, 1976 reads as under:-

“3. Duties of Executive Officer.—

*(4) All communications addressed on behalf of the Committee to the State Government or the Government Officers shall be signed by the Executive Officer. He shall be responsible for seeing that the communication addressed through him to the Committee by the State Government of Government Officers are dealt with promptly and efficiently, that the intentions of the Committee in regard to matters requiring a reference to Government are correctly conveyed and that **all important correspondence between Government and the Committee is laid before the President and the Committee for information or action as the circumstances may require.**”*

11.3 Appendix ‘B’ of the Punjab Municipal Rules, dealing with the competent authority for sanction of General Provident Fund, provides as under:-

“Appendix ‘B’

***The President** or the Administrator of the Municipal Committee shall be the competent authority to sanction the General Provident Fund.”*

11.4 **Clause XII.2(2)(i) of the Punjab Municipal Account Code, Chapter XII,** stipulates as under:-

*“[(1) in emergencies subject to any bye-law made by the committee under section 31 of the Act, **the president** or the executive officer or, in the absence of the president, the vice-presidents, may sanction the payment of charges for which no sanction of the committee exists, all such payments being reported at the next subsequent meeting of the committee;”*

11.5 **Clause XII.4 of the Punjab Municipal Account Code, Chapter XII** reads as under:-

“XII.4.

*[(1-A) All cheques shall be jointly signed by the President and Executive Officer of the Council. If the Executive Officer, appointed in Municipal Council is not functioning, the Secretary of the Municipal Council shall sign the cheques. In the case of Municipal Committees, **cheques shall be jointly signed by the President and Secretary of the Committee.** If the President is away, then in his place Vice-President and Executive Officer/Secretary, as the case may be, shall jointly sign the cheques. In case both President and Executive Officer/Secretary are not present, then Vice President and Accountant shall jointly sign the cheques.”*

11.6 From a reading of above extracted provisions, it is manifest that the President of a Municipal Committee is the fulcrum of its democratic, administrative and financial functioning. The said provisions enjoins upon the President to convene meetings of the Committee, preside over its decision-making process and ensure the smooth discharge of day-to-day municipal functions. It is only in contingencies such as his absence, vacancy or suspension that the Vice-President is empowered to step in and exercise such authority. Even the statutory mechanism enabling members to convene meetings under Section 25(3) is merely a safeguard to obviate administrative paralysis.

11.7 Given the centrality of the President’s role, habitual or prolonged absence from office, without justifiable cause, strikes at the very root of municipal governance. Such absence inevitably results in disruption of statutory decision-making, stalling of developmental

activities and breakdown of municipal administration. In this context, continued unauthorized absence cannot be viewed as a mere irregularity.

12. Coming to case in hand, the following facts are noticeable from the paperbook and other documents/orders, which were handed over in Court during the course of hearing :-

Date	Event/development
04.06.2024	FIR No. 14, dated 04.06.2024 registered under Sections 7, 7A of Prevention of Corruption Act, 1988 (in short '1988 Act') read with Section 120 B IPC at PS Vigilance Bureau, Bathinda wherein petitioner was arrayed as an accused.
02.07.2024	On account of absence of the President (i.e. petitioner), the Additional Deputy Commissioner was authorized to jointly sign cheques, vide letter No. S2-JS-DSS-2024-32599.
18.07.2024	After election of Vice President, the Vice President took over day to day functioning in the absence of the President (i.e. petitioner).
19.07.2024	Sh. Sushil Kumar Neenu assumed charge as Senior Vice President and his signatures were updated in the bank for official work on account of absence of President (i.e. petitioner).
05.08.2024	Petitioner filed an application under Section 438 Cr.P.C. seeking anticipatory bail in aforesaid case FIR No. 14.
12.08.2024	Anticipatory bail application filed by petitioner was dismissed by learned Additional Sessions Judge, Mansa.
August, 2024	Petitioner filed a petition (CRM-M-40944-2024) before Punjab and Haryana High Court seeking anticipatory bail.
23.08.2024	Punjab and Haryana High Court stayed the arrest of the

	petitioner in the aforesaid case FIR No. 14.
22.11.2024	Sh. Vijay Kumar Singla resumed charge as President; his bank signatures were restored.
07.01.2025	Anticipatory bail (CRM-M-40944-2025) dismissed by Punjab and Haryana High Court.
09.01.2025	Sh. Sushil Kumar Neenu again functioned as Executive President and his signatures were updated in the bank.
January, 2025	Petitioner filed SLP (Crl) No. 709 of 2025 before Hon'ble the Supreme Court of India.
17.01.2025	Hon'ble the Supreme Court dismissed SLP (Crl) No. 709 of 2025; however, it was directed that petitioner be not arrested till 31.01.2025.
20.01.2025	Petitioner-Vijay Kumar Singla again resumed charge and his signatures were re-updated in bank records.
01.02.2025	Petitioner-Vijay Kumar Singla surrendered before the police in FIR No. 14 dated 04.06.2024 and was sent to judicial custody.
Post 01.02.2025	Sh. Sushil Kumar Neenu resumed charge and continued functioning of the Municipal Council.
10.02.2025	Additional Deputy Commissioner, Mansa submitted report (Letter No. ADC/25) highlighting continuous absence and disruption of work and inability of the President (petitioner) to discharge duties.
11.02.2025	Show cause notice issued to petitioner
27.02.2025	Reply by petitioner to show cause notice
13.03.2025	Petitioner removed from the post of President
21.04.2025	Petitioner granted regular bail by this Court in CRM-M-13769-2025

12.1 When the above extracted facts are seen in the context of pivotal role assigned to the President of a Municipal Committee, it would be apparent that the petitioner herein has failed to discharge his duties not only on one occasion, but on several occasions when the alternate

arrangements were to be made for discharge of those functions, which were otherwise enjoined upon the petitioner. In my considered view, there has been a repeated failure on the part of the petitioner to perform his duties and, therefore, the charge levelled against the petitioner that he has habitually failed to perform his duties, is clearly made out against the petitioner. Accordingly, issue No. (2) is decided against the petitioner.

13. Keeping in view the finding on issue No. (2), the instant civil writ petition is dismissed.

14. The instant civil writ petition stands disposed of in the aforestated terms.

15. Pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

31.01.2026
sjks

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