



IN HE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11370-2022(O&M)

Date of decision: 10.02.2026

JAGDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CWP-12157-2022(O&M)

KULJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Neetu Singh Asjat, Advocate,
for the petitioner in CWP-11370-2022.

None for the petition in CWP-12157-2022.

Mr. Sahil R. Bakshi, AAG, Punjab.

None for respondent no.3.

KULDEEP TIWARI, J. (Oral)

CWP-11370-2022(O&M)

1. The instant writ petition impugns the order dated 05.04.2022 (Annexure P-1), vide which, the learned Additional Deputy Commissioner-cum-Appellate Tribunal, Jagraon, has allowed the appeal preferred by respondent no.4 (mother of the petitioner), under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (the Act of 2007) against the



order dated 11.11.2021 (Annexure P-6), passed by Additional Sub-Division Magistrate, Jagraon.

2. During the course of hearing, learned counsel for the petitioner points out that the impugned order, 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

3. 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 Deputy Commissioner, Jagraon, the same is liable to be set aside.

4. 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 invited 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.”

5. 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**, for adjudication afresh, by the District Magistrate-cum-Appellate Tribunal concerned, in accordance with Section 16 of the Act of 2007. The Additional Deputy Commissioner, is directed to send the original record of the case to the District Magistrate-cum-Appellate Tribunal concerned.

6. Both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal concerned, on 20.02.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months thereafter, 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.

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9. In the instant writ petition, also, similar order has been challenged by another son of respondent no.4.

10. Learned counsel for petitioner-Jagdeep Singh in CWP-11370-2022, informs this Court that during the pendency of instant writ petition, unfortunately, the demise of petitioner-Kuljit Singh (CWP-12157-2022), has occurred.

11. Since no one has caused appearance on behalf of the petitioner-Kuljit Singh, today in Court, nor any attempt has been made to implead his legal heirs/representatives, this Court is left with no other option except to **dismiss** the instant petition, for want of prosecution.

12. Ordered accordingly.

13. However, liberty is reserved to the legal representatives/heirs of the deceased petitioner-Kuljit Singh, to revive the instant petition by filing an apt motion, in case the grievance still survives.

14. All pending application(s), if any, also stand **disposed** of accordingly.

A photocopy of this order be placed on the file of the connected case.

(KULDEEP TIWARI)
JUDGE

10.02.2026
dharamvir

Whether speaking/reasoned	Yes
Whether reportable	Yes/No