



CWP-20873-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP-20873-2024
Date of Decision : 12.05.2026

Ravinder Singh ...Petitioner

Versus

Appellate Tribunal cum Additional Deputy Commissioner,
Patiala and others ...Respondents

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amrit Pal Singh, Advocate for
Mr. Avinash Singh, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

Mr. Mohit Shukla, Advocate
for respondent No.3.

Ms. Reetika, Advocate for
Mr. Inderjit Sharma, Advocate
for respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. Fetching grievance from the order dated 19.12.2018 (Annexure P-7), passed by learned Additional District Magistrate, Patiala (respondent No.2), and order dated 05.07.2022 (Annexure P-8), passed by learned Appellate Tribunal cum Additional Deputy Commissioner, Patiala (respondent No.1), wherethrough, application preferred by respondent No.3/senior citizen, under the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007 (for short ‘the Act of 2007’), was allowed. The instant writ



petition, has been filed and legality of impugned orders, which are put to challenge, primarily, suffers from inherent lack of jurisdiction.

2. The application (*supra*), which ought to have been decided by learned Maintenance Tribunal, was straightway considered and decided by learned Additional District Magistrate, Patiala, who is neither authorized to act as a Maintenance Tribunal, nor to act as an Appellate Authority, under the Act of 2007.

3. Learned counsel for the petitioner has also drawn the attention of this Court towards the order(s) impugned, and submits that the order (Annexure P-8), as passed by learned Appellate Tribunal cum Additional Deputy Commissioner, Patiala, for implementation of the order dated 19.12.2018 (Annexure P-7), passed by learned Additional District Magistrate, Patiala, is *coram non judice* and suffers from *delegata potestas non potest delegari*, and therefore, both the orders (*supra*), suffers from illegality and cannot be cured, and requires interference of this Court.

4. Learned counsel appearing on behalf of the respondent No.3, though joined the issue on merits. However, he is unable to refute the factual position, to the effect, that the order(s) impugned is *void* being *coram non judice* and *delegata potestas non potest delegari*.

5. This Court has heard the learned counsel for the parties, and has gone through the order(s) impugned.

6. 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 their *quasi-judicial* functions and powers vested in them by statute, to which, learned State counsel fairly concedes that such functions and powers cannot be sub-delegated. Further, he



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has also furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women and 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.”

“Notification

Dated Chandigarh the 27th August, 2008

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 Act of 2007, the Governor of Punjab constituted the Maintenance Tribunals/Appellate Tribunals, and their jurisdictions for the implementation of the Act ibid, as under:-

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

7. In view of the above said conceded position, the impugned order dated 19.12.2018 (Annexure P-7), passed by learned Additional District Magistrate, Patiala (respondent No.2), and order dated 05.07.2022 (Annexure P-8), passed by learned Appellate Tribunal cum Additional Deputy Commissioner, Patiala (respondent No.1), does not pass the test of legality, and requires interference of this Court.

*8. Consequently, the impugned order(s) (Annexure P-7 and P-8), are **set aside** and the matter is **remitted** to the Deputy Commissioner/District*



Magistrate-cum-Appellate Tribunal, Patiala, for adjudication afresh, in accordance with the provisions of Act of 2007. The Appellate Tribunal cum Additional Deputy Commissioner, Patiala, is directed to forthwith, on receipt of certified copy of this order, transmit the original record of the case to the Maintenance Tribunal, concerned.

9. Both the parties are directed to cause appearance before learned Maintenance Tribunal concerned, on 27.05.2026 at 11:00 AM, and a positive *mandamus* is passed upon learned Maintenance Tribunal, to make an endeavour, to decide the matter preferably within four months, after affording adequate opportunity of hearing and an opportunity to lead the evidence, if any, to the parties concerned.

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

(KULDEEP TIWARI)
JUDGE

May 12, 2026
Manpreet

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