



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

CWP-23721-2024 (O&M)

Date of decision: 13.05.2026

Hari Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Deepti Rampal, Advocate, for
Mr. Munish Puri, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

Mr. Arnav Sood, Advocate,
for respondent No.4.

Mr. Abhishek Thakur, Advocate,
for respondent No.5.

KULDEEP TIWARI, J. (Oral)

1. The petitioner-senior citizen has approached this Court, by way of instant writ petition, as cast under Article 226 of the Constitution of India, against the orders dated 18.09.2023 (Annexure P-3) and 30.04.2024 (Annexure P-5), vide which, his application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (the Act of 2007), as well as his appeal, were dismissed.

2. At the outset, learned State counsel points out that the impugned order dated 30.04.2024 (Annexure P-5), has been passed by an authority devoid of statutory jurisdiction. In this regard, 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 appellate 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, the same, indeed, requires interference of this Court. Moreover, he also refers to the instructions dated 27.10.2025, issued by the Directorate Social Security and Women & Child Development, Punjab, wherethrough, it has been categorically clarified 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.”

4. In response, learned counsel for the private respondents, though join issues on merits, but are not in a position to wriggle out of the abovesaid factual aspect, being a matter of record.

5. In view of the abovesaid conceded position, the order dated 30.4.2024 (Annexure P-5), does not pass the test of legality, and thus, the same is set aside, being *Delegata Potestas Non Potest Delegari*. Consequently, the matter is remitted to the District Magistrate-cum-Appellate Tribunal Pathankot, for adjudication afresh, in the light of the



abovesaid notifications. Both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal concerned, on 12.06.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months, after affording adequate opportunity of hearing to the parties. It is made clear that, in the meanwhile, no third party rights shall be created as regards the property in question.

6. To ensure speedy disposal of the matter, the learned Additional Deputy Commissioner-cum-Collector, Pathankot, is directed to transmit the original record of the matter to the District Magistrate-cum-Appellate Tribunal, in terms of the Act of 2007, upon receipt of a certified copy of this order, forthwith.

7. **Disposed of, accordingly.**

(KULDEEP TIWARI)
JUDGE

13.05.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No