

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CWP-25860-2022

Date of decision: 07.04.2026

VINOD KUMAR AND ANOTHER

.... Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.S.Rangi, Sr. Advocate assisted by
Mr. Didar Singh, Advocate,
for the petitioners.

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

None for LR's of respondent no.4.

KULDEEP TIWARI, J (Oral)

1. As per the office report, notice issued to the newly added respondents, i.e. the legal heirs of deceased respondent no.4, has been received back served. However, no one caused appearance on their behalf. Therefore, they are hereby proceeded against *ex parte*.

2. The instant writ petition impugns the order dated 01.09.2022 (Annexure P-5), vide which, the learned Additional Deputy Commissioner-cum-Appellate Tribunal, Khanna, has upheld the order dated 30.09.2021 (Annexure P-2), passed by the learned Sub Divisional Magistrate-cum-Maintenance Tribunal (respondent no.3), where through the application preferred by respondent No.4 (deceased-senior citizen), under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (the Act of 2007), was allowed.

3. During the course of hearing, learned counsel for the petitioners points out that the impugned order dated 01.09.2022 (Annexure P-5), has been

passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone.

4. 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 concerned, the same is liable to be set aside.

5. 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.”*

“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>

6. 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 dated 01.09.2022 is set aside** and the **matter is remitted** to the District Magistrate-cum-Appellate Tribunal concerned, for adjudication afresh, in accordance with Section 16 of the Act of 2007. The Additional District Magistrate concerned, is directed to send the

original record of the case to the District Magistrate-cum-Appellate Tribunal concerned.

7. Both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal on 30.04.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter as expeditiously as possible, after affording adequate opportunity of hearing to the parties.

8. **Disposed of**, accordingly.

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

April 07, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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