



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24849 of 2025

Date of decision: 24.02.2026

Sunil Kumar and others

.... Petitioners

Vs.

Deputy Commissioner cum President and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gopal Sharma, Advocate,
for the petitioners.

Mr. Bhupender Singh, Addl. A.G. Haryana.

Ms. Ekta Chauhan, Advocate,
for respondent No.3.

KULDEEP TIWARI, J (Oral)

1. The written statement filed on behalf of respondent No.3, today in Court, which is taken on record, with a copy thereof, supplied to the learned counsel for the petitioner.

2. Learned counsel for the petitioner, while referring to the order dated 28.08.2025, passed by this Court, draws the attention of this Court towards the order dated 13.05.2025 (Annexure P-15) passed by the learned Appellate Tribunal concerned, and submits that the same is void of being '*coram non judice*', as the same has been passed by the Deputy Commissioner in his individual capacity. He further submits that the Government of Haryana, through a notification dated 17.04.2025, has provided that the Tribunal consists of three members, with the Sub-Divisional Magistrate and the Deputy Commissioner acting as their respective Chairmen. The relevant part is extracted hereinbelow: -

HARYANA GOVERNMENT

SOCIAL JUSTICE, EMPOWERMENT, WELFARE OF SCHEDULED
CASTES & BACKWARD CLASSES AND ANTYODAYA (SEWA)
DEPARTMENT

Notification

The 17th April, 2025

No. 40/6/2023-4SW. In continuation of the Haryana Government Notification No. 1041-SW(4)-2020 dt. 08.12.2020, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional level and District level under the Chairmanship of each Sub-Divisional Magistrate and District Magistrate respectively within their respective jurisdiction as per provisions of



Section-7 and 15 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and further nominate the other two Non-Official Members of both the Tribunals. The tenure of the Non-Official Members shall be three years from date of joining and both the Tribunals will perform duties/functions as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with Haryana Maintenance of Parents and Senior Citizens Rules, 2009:-

Sonipat		
Appellate Tribunal, Sonipat		
1.	Deputy Commissioner	Chairman
2.	Shri Ramdhan Sharma (Advocate) S/o Shri Shardha Ram House No. 143, Sector-14, Sonipat. Mobile No. 98960 64327	Non-Official Member
3.	Shri Rajesh S/o Shri Mange Ram, Village Malikpur, Sonipat. Mobile No. 72062 28510	Non-Official Member
Maintenance Tribunal, Sonipat		
1.	Sub Divisional Magistrate	Chairman
2	Shri Jai Ram (Advocate) S/o Shri Krishan Datt Village Palri Khurd, Sonipat. Mobile No. 98137 99882	Non-Official Member
3.	Shri Padam Chauhan S/o Shri Sukhdev Singh Village Jakholi, Sonipat. Mobile No. 94166 39569	Non-Official Member

3. In view of the notification (supra), this Court finds that the order (supra) is void, being ‘*coram non judice*’, and therefore, the same is **set aside**. The *lis* is remanded to the learned Appellate Tribunal concerned for a fresh decision after affording the parties an opportunity of hearing. Both parties are directed to appear before the learned Appellate Tribunal concerned on 18.03.2026 at 11.00 AM. It is expected that the appeal shall be heard and decided by the complete coram, as per the notification (supra), as issued by the Government of Haryana.

4. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

24.02.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No