
(1993) 01 P&H CK 0003
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1034 of 1993

Ajmer Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 29-01-1993

Acts Referred:

Punjab Gram Panchayat Election (Amendment) Rules, 1992 — Rule 14A(1)(6)

Citation : (1994) 106 PLR 743

Hon'ble Judges : K.P. Bhandari, J;G.R. Majithia, J

Bench : Division Bench

Advocate : Jasbir Singh, for the Appellant; G.K. Chatrath, General and G.S. Cheema, Assistant A.G., for the Respondent

Final Decision : Dismissed

Judgement

G.R. Majithia and K.P. Bhandari, JJ.—The petitioners have challenged the order of the Sub-Divisional Officer (Civil), Rupnagar exercising

the powers of the Deputy Commissioner under Rule 14-A of the Punjab Gram Panchayat Election (Amendment) Rules, 1992 (for short, the

Amended Rules) dated January 18, 1993 adjourning the election of Gram Panchayat, Kotli, Had Basat No. 161, till further orders, in this petition

under Articles 226/227 of the Constitution of India.

2. When the petition came up for motion hearing on January 21, 1993, learned Counsel for the petitioners submitted that the Presiding Officer had

declared elected Petitioner No. 1 as Sarpanch and other petitioners as Panches and after the declaration of the result of the election, the Returning

Officer-cum-Sub Divisional Officer (C), Ropar exercising the powers of the Deputy Commissioner could not adjourn the election purporting to

exercise his powers Under Rule 14-A(1) (vi) of the Amended Rules. We issued

notice to the Returning Officer-cum Sub Divisional Officer (Civil), Rupnagar and also directed him to produce the record. He has put in appearance today and also produced the relevant record. A perusal of the record reveals that Ajmer Singh, petitioner No.1, Inderjit Singh and Karnail Singh had filed their nomination papers for the office of Sarpanch. The nomination papers of Inderjit Singh and Karnail Singh were rejected by the Presiding Officer. The nomination paper of Inderjit Singh was rejected on the ground that the serial number in voters' list of the proposer and the seconder was not mentioned. It is also written with different ink that Inderjit Singh did not mention his age in the nomination paper. The nomination paper of Karnail Singh was rejected on the ground that the serial number on the voters' list of the proposer and the seconder was not mentioned. The Presiding Officer did not indicate as to who had raised these objections. The election rules do not provide for rejection of the nomination papers for the reasons pointed out by the Presiding Officer. The nomination papers of Sarvshri Bachan Singh, Santokh Singh, Smt. Surinder Kaur, Shadi Singh and Meet Singh were rejected on identical grounds as those of Inderjit Singh and Karnail Singh, who were candidates for the office of Sarpanch. It appears that the Presiding Officer wanted to eliminate one group from the contest. The Sub-Divisional Officer (Civil), Rupnagar exercising the powers of the Deputy Commissioner appears to have correctly exercised his powers under Rule 14-A of the Amended Rules. The Rule reads thus:-

14-A. Adjournment of poll in emergency.

(1) The Returning Officer, the Presiding Officer, the Deputy Commissioner or the Government, as the case may be, may suspend or cancel the poll

in a Sabha area at any time in case the poll is interrupted by,

(i) riots or violence; or

(ii) direct or indirect threat to the election process or conduct of poll; or

(iii) snatching or destroying the ballot-papers; or

(iv) any type of natural calamity; or

(v) booth capturing at the polling station or a place fixed for polling; or

(vi) any other sufficient reason to be recorded in writing by either of the authorities specified in sub-rule (1)

(2) Whenever the polling at a polling station is suspended or cancelled, the Returning Officer, or the Presiding Officer shall, as soon as practicable, report the matter to the Deputy Commissioner, who shall, after holding such enquiry, as he may deem necessary, appoint a day for taking of fresh poll in such Sabha area or areas and shall fix the time at which such poll shall be held.

Explanation. - For the purpose of this rule, the expression "booth capturing" shall have the same meaning as is given to it in the Explanation to

Section 135A of the Representation of People Act, 1951.

Clause (vi) of sub-rule (1) of Rule 14-A empowers the Deputy Commissioner to suspend the poll in a Sabha area for any sufficient reason. The

Presiding Officer eliminated sizeable number of contestants from the election. The purpose for doing so appears to be to favour one group. The

Sub-Divisional Officer (Civil) satisfied himself that the nomination papers of one group were rejected for reasons unjustified at law. After arriving at

this conclusion, he suspended the poll. The order falls within the ambit of Rule 14-A(I)(vi) of the Amended Rules. There were sufficient reasons

for suspending the poll and the concerned officer was justified in suspending the poll. The petitioners were instrumental in eliminating the other-

group from the election fray.

3. For the reasons stated above, the writ petition fails and is dismissed.