

(2026) 02 P&H CK 1862
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6003 Of 2024

Bachan Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 23-02-2026

Acts Referred:

Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 — Section 7(1), 7(2), 15(1), 15(2), 16

Citation : (2026) 02 P&H CK 1862

Hon'ble Judges : Kuldeep Tiwari, J

Bench : Single Bench

Advocate : Raj Kumar Arya, Sahil R. Bakshi, Swati Verma

Final Decision : Disposed Of

Judgement

Kuldeep Tiwari, J

1. At the outset, learned counsel for the respondents No.4 and 5 submits that the order dated 13.11.2025 has been complied with and the entire arrears of maintenance have been paid to the petitioner. She has also placed on record the respective affidavits of the respondents No.4 and 5, which are taken on record.

2. Through the instant writ petition, the petitioner, an octogenarian senior citizen, assails the order dated 23.07.2021 (Annexure P-1) passed by the respondent No.3- Maintenance Tribunal, as well as the order dated 21.12.2023 (Annexure P-2) passed by the respondent No.2-Appellate Tribunal. Vide order dated 23.07.2021, the application filed by the petitioner under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007"), seeking cancellation of the transfer deed dated 26.09.2011, was dismissed, and vide order dated 21.12.2023, his statutory appeal was also dismissed. However, the respondents No.4 and 5 were directed to pay a total sum of ₹ 4,000/- per month as maintenance to the petitioner.

3. The principal contention advanced by learned counsel for the petitioner is that the impugned order dated 21.12.2023 has been passed by an authority devoid of statutory jurisdiction, and therefore, warrants interference on this ground alone. It is submitted that, 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. 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

District concerned Sub Divisional Magistrate of the area concerned

2

Appellate Tribunal

District concerned

District Magistrate of the area concerned

4. Consequently, it is submitted that since the impugned order dated 21.12.2023 has not been passed by the statutory authority, i.e. District Magistrate, rather has been passed by an authority exercising sub-delegated powers, i.e. Additional Deputy Commissioner, Gurdaspur, it deserves to be set aside.

5. This Court posed a specific query to learned State counsel 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 has fairly conceded that such functions and powers cannot be sub-delegated.

6. Moreover, learned State counsel has furnished a copy of the instructions dated 27.10.2025, issued by the Directorate Social Security and Women & Child Development, Punjab, where through 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."

7. In view of the above, the impugned order dated 21.12.2023 does not pass the
test of legality and requires interference of this Court. Consequently, the
impugned order dated 21.12.2023 is set aside and the matter is remanded to the
District Magistrate -cum- Presiding Officer, Appellate Tribunal, for fresh
adjudication in accordance with Section 16 of the Act of 2007. Both the parties

are directed to cause appearance before the District Magistrate -cum- Appellate Tribunal on 10.03.2026, whereupon the latter shall endeavour to decide the matter preferably within eight weeks, but after affording adequate opportunity of hearing to the parties. The parties shall be at liberty to raise their respective pleas before the Appellate Tribunal.

8. Disposed of accordingly.