
(2013) 08 P&H CK 0301
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16794 of 2013

Balbir Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 13-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0301

Hon'ble Judges : Satish Kumar Mittal, J; Mahavir S. Chauhan, J

Bench : Division Bench

Advocate : Mandeep Singh Bedi and Mr. Gagandeep Singh Chhina, for the Appellant; Gurinder Pal Singh, Addl. A.G., Punjab, for the Respondent

Final Decision : Disposed Off

Judgement

Satish Kumar Mittal, J.—The petitioners are residents of village Patti Wareke, Block Shri Hargobindpur, District Gurdaspur. In the year 2008, Gram Panchayat of village Patti Wareke was created out of Gram Panchayat Ghuman. Thereafter, elections of both the Panchayats were held. The office of Sarpanch of Gram Panchayat, Village Patti Wareke was kept for General category. No seat of Panch including the office of Sarpanch of the said Gram Panchayat was reserved for Scheduled Caste category, as there was no Scheduled Caste population in the said village. After the expiry of the term of previous Gram Panchayat, when fresh elections of the Gram Panchayat were to be held in the year 2013, vide notification dated 14.3.2013 (Annexure P-2), out of five seats of Panches, seats for Ward No. 1 and Ward No. 2 were reserved for Scheduled Caste and Scheduled Caste (Women), respectively, and vide another notification dated 31.5.2013 (Annexure P-1), the office of Sarpanch of the said Gram Panchayat was reserved for Scheduled Caste (Women), in spite of the fact that there was no Scheduled Caste population in the village.

2. When the elections for the office of Sarpanch and Panches of the said village Gram Panchayat were held, no person came forward to file nomination paper to contest for the office of Sarpanch as well as for two seats of Panches from Wards

No. 1 and 2, which were reserved for Scheduled Caste (Women); Scheduled Caste; and Scheduled Caste (Women), respectively. The elections of Panch from Ward No. 3, which was reserved for Women; and the elections of Panches from Wards No. 4 and 5, which were kept for General category, were held. Two seats of Panches and the office of Sarpanch remained vacant.

3. When in this regard the residents of the village were not heard by the Election Commission and the Deputy Commissioner, Gurdaspur, they filed the instant petition seeking direction to the respondents to quash the aforesaid two notifications with regard to reservation of the office of Sarpanch and the seats of two Panches of Gram Panchayat of village Patti Wareke, with direction to fill the vacant seats.

4. After notice of motion, written statement has been filed by the Deputy Commissioner, Gurdaspur. In para 4 of the written statement, it has been submitted that due to error in the report of population, the office of Sarpanch and seats of Panches from Ward No. 1 and 2 were wrongly reserved for the Scheduled Caste. It has been admitted that actually, there is no Scheduled Caste population in the village, as reported (Annexure R-3) by the Block Development and Panchayat Officer, Sri Hargobindpur.

5. In view of the said factual position, learned counsel for the respondents very fairly states that necessary modification in the notifications dated 14.3.2013 and 31.5.2013 (Annexures P-2 and P-1) with regard to reservation of the office of Sarpanch and the seats of Panches from Ward No. 1 and 2 of Gram Panchayat, village Patti Wareke, will be made immediately, without any further delay, and election of these three vacant offices/posts will be held in accordance with law, within a short period of two months. Consequently, in view of the aforesaid statement of learned counsel for the respondents, this petition is disposed of, accordingly.