

(1996) 08 AHC CK 0142
In the Allahabad High Court
Case No : C.M.W.P. No. 25252 of 1996

Jabbar Singh

APPELLANT

Vs

District Panchayat Raj Officer and Others

RESPONDENT

Date of Decision : 07-08-1996

Acts Referred:

Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 — Section 113(2)

Uttar Pradesh Panchayat Raj Act, 1947 — Section 14, 14(3)

Uttar Pradesh Panchayat Raj Rules, 1947 — Rule 33B

Citation : (1997) RD 73 : (1996) 3 UPLBEC 1779

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Rajeev Kumar Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

M.Katju, J.—This writ petition has been filed against the impugned order dated 23.7.1996, Annexure 2 to the writ petition. Learned Counsel for the Petitioner has submitted that the notice of no-confidence was not moved by half of the members of Gram Sabha as required by Rule 33B of U.P. Panchayat Raj Rules and hence he has urged that no meeting of no-confidence could be validly held. Learned Counsel pointed out that while Section 14 of the U.P. Panchayat Raj Act was amended in 1994 by substituting the words "Gram Panchayat" for the words "Gram Sabha", there was no corresponding amendment, to Rule 33B of the Rules. However, Section 113(2) of the U.P. Panchayat Raj Act as amended by the U.P. Act No. 9 of 1994 provides as follows:

On and from the dale of commencement of the Uttar Pradesh Panchayat laws (Amendment) Act, 1994, any reference to the "Gaon Sabha" or "Gaon Panchayat" in any rules, regulations bye-laws, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed a reference to the Gram Panchayat.

2. In view of this amendment, the words "Gram Sabha" in Rule 33B should be

deemed to be amended as Gram Panchayat". Hence now, half the members of the Gram Panchayat may sign the notice of no-confidence and it is not necessary that half the members of the Gram Sabha must sign it. Hence there is no force in submission of the learned Counsel for the Petitioner.

3. Learned Counsel for the Petitioner then urged that in view of Section 14(3) of the Act, the meeting of no confidence cannot be held. Section 14(3) of the Act states as follows:

14(3). If the motion is not taken up for want of quorum or fails for lack of requisite majority at the meeting, no subsequent meeting for the removal of the same Pradhan shall be convened within a year of the date of the previous meeting.

4. In para 4 of the writ petition, it has been stated that Respondent No. 1. District Panchayat Raj Officer by order dated 19.7.96 had rejected the vote of no confidence. Thus, this is not a case where the motion of no-confidence failed for want of quorum or for lack of majority in the meeting. Hence, Section 14(3) will not apply.

5. The writ petition is consequently dismissed.