
(2015) 05 P&H CK 0389
In the Punjab And Haryana At Chandigarh
Case No : CWP 5153 of 2015

Jarnail Kaur

APPELLANT

Vs

Director, Rural Development and Panchayat and Others

RESPONDENT

Date of Decision : 13-05-2015

Acts Referred:

Punjab Panchayati Raj Act, 1994 — Section 24, 24(3)

Citation : (2015) 179 PLR 530 : (2015) 4 RCR(Civil) 927

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Advocate : J.S. Bhandohal, for the Appellant; Yatinder Sharma, A.A.G,
Advocates for the Respondent

Final Decision : Dismissed

Judgement

Jaswant Singh, J—In compliance of the order dated 6.5.2015, Mr. Gurmail Singh, BDPO concerned has come present Main Case.

The grievance of the petitioner, who is Sarpanch of Village Dharoke, Tehsil Nabha, District Patiala, raised in the present writ petition is that inspite of a specific authority vested in the Sarpanch under sub-section (3) of Section 24 of the Punjab Panchayati Raj Act, 1994 to cast her vote in case of equality of votes while passing a resolution, BDPO, Nabha did not permit her to cast her vote in the proceedings of the Panchayat conducted on 25.11.2014 (P-3).

It is asserted that this action amounts to an illegality being against the spirit of the provisions of Enactment.

2. Upon notice, respondents have filed short reply by way of affidavit of BDPO Nabha. In the reply it is asserted that there was no demand raised by the petitioner for exercising her casting vote.

3. Having heard learned counsel for the parties, in the considered opinion of this Court, the present writ petition is devoid of any merits.

4. Apart from the factual position asserted by the respondents that there was no demand by the petitioner for exercising her casting vote while conducting proceedings of the Panchayat held on 25.11.2014, the petition was filed after a delay of almost four months, certainly raising an inference in favour of the stand of the respondents. Be that as it may, a close scrutiny of sub-section (3) of Section 24 of the Punjab Panchayati Raj Act, 1994 reveals that the contention raised on behalf of the petitioner is totally misconceived. Relevant provision of Section 24(3) reads as under:-

"24. Quorums and Procedure. - (1) xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

(2) xxx

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the present and voting and the Sarpanch or Panch presiding, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes, he may give his casting vote".

5. A bare reading of the aforesaid provision reveals that the Sarpanch or the Panch presiding over a meeting shall give his vote before the declaration of the result of the voting. However, in case he has not exercised his right to vote prior to the declaration of result, in a situation of equality of votes, he has been given the right to exercise casting vote.

6. In the present case the Gram Panchayat comprises of five Panches and one Sarpanch and all the six exercised their right to vote including the present petitioner and therefore, to press for another vote being a casting vote since there was a split up of votes, is not borne out) from the reading of sub-section (3) of Section 24 of the Punjab Panchayati Raj Act, 1994. In view of the above, finding no merit in the present writ petition the same is hereby dismissed.