
(2002) 08 P&H CK 0038

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11840 of 2002

Rameshwar Dass

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-08-2002

Acts Referred:

Citation : (2003) 133 PLR 466 : (2003) 1 RCR(Civil) 159

Hon'ble Judges : Virender Singh, J;N.K. Sodhi, J

Bench : Division Bench

Advocate : Rajender Chhokar, for the Appellant;

Final Decision : Dismissed

Judgement

N.K. Sodhi, J.—Challenge in this writ petition is to the order dated June 5, 2001 passed by the Financial Commissioner and Secretary to Government of Haryana, Development and Panchayats Department upholding the one passed by the Deputy Commissioner whereby the petitioner was removed from membership of the Panchayat Samiti u/s 175(q) of the Haryana Panchayati Raj Act (for short the Act) on the grounds that he has more than two living children.

2. It is not in dispute that the third child was born to the petitioner on 6.1.1997. The contention of the learned counsel for the petitioner is that since the child was born prior to his election as member of the Panchayat Samiti, the disqualification referred to in Clause (q) of Section 175 of the Act is not attracted. We are unable to agree with this contention. Section 175 of the Act prescribes the disqualifications and postulates that no person shall be a member of a Panchayati Samiti or continue as such if he has more than two living children. Since the petitioner has more than two living children, he has incurred the disqualification and the authorities below were right in disqualifying him. The matter herein is squarely covered against the petitioner by a Division Bench judgment of this Court in *Jharmal v. State of Haryana* (2001)129 P.L.R. 85.

Sd/- Virender Singh, J.