

Binder Pal Singh and Others Vs. State of Punjab and Others

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Court : Punjab and Haryana

Decided On : May-10-2013

Appellant : Binder Pal Singh and Others

Respondent : State of Punjab and Others

Judgement :

CWP No.9673 o

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CWP No.9673 of 2013 Date of decision:

10. 05.2013 Binder Pal Singh and others ..Petitioner versus State of Punjab and others Respondents CORAM: Honble Mr.Justice Jasbir Singh, Acting Chief Justice Honble Mr.Justice Rakesh Kumar Jain Present: Mr.Surinder Pal Singh Tinna, Advocate for the petitioners Jasbir Singh, Acting Chief Justice (Oral) It is grievance of the petitioners that post of Sarpanch in their village has not been reserved for the members of scheduled caste community despite having sufficient number of voters of that community in the village.

Earlier also, the petitioners came to this Court by raising above said objection by filing CWP No.6301 of 2013 which was disposed of on 22.3.2013, directing the Deputy Commissioner, Fazilka to look into grievance of the petitioneRs.In response to above order, the Deputy Commissioner, Fazilka disposed of application filed by the petitioners Relevant portion of the order reads thus:- The

undersigned perused your application in the light of the Punjab Panchayati Raj Act, 1994, Punjab Reservation for the office of Sarpanch of Gram Panchayat and Chairman and Vice Chairman of Panchayat Samiti and Zila Parishad CWP No.9673 o

2. Rules, 1994 and Punjab Reservation for the office of Sarpanch of Gram Panchayat and Chairman and vice Chairman of Panchayat Samiti and Zila Prishad (Second Amendment).Rules 2008 and the rules made thereunder.

On account of which, the undersigned has reached to this conclusion that the reservation of the sarpanches is done on block basis and keeping into consideration, the percentage of the population of the scheduled caste in that block.

Meaning thereby that in the block out of the total number of the posts of sarpanch only those much percentage of posts of Sarpanch will be reserved depending upon the percentage of the population of the scheduled caste in that block.

The seats has to be reserved as per the rotation policy mentioned in the above mentioned notifications and which are also notified in the gazette.

You are hereby inform by way of sending the copies of the above mentioned Punjab Reservation for the office of Sarpanch of Grma Panchayat and Chairman and Vice Chairman of Panchayat Samiti and Zila Prishad Rules, 1994 and Punjab Reservation for the office of Sarpanch of Gram Panchayat and Chairman and Vice Chiarman of Panchayat Samiti and Zila Prishad (Second Amendment) Rules, 2008, that on the formula which you have submitted for getting the post of Sarpanch reserved does not find mentioned in the above mentioned rules and so the application submitted by you dated 18.12.2012 is consigned to the record room.

You are hereby also informed CWP No.9673 o

3. that the post of the Sarpanch of village Usmankhera will be reserved as per the rules mentioned above.

It has only been stated in the aforesaid order passed that reservation is not possible as per the formula provided by the petitioners and it will be done in terms of rotation Policy as reflected in the Rules so framed and notified in the official gazette.

In the end, it is stated that the post of the Sarpanch will be reserved as per those rules.

Mr.Puri on getting instructions from Darshan Singh, Panchayat Officer Block Khuyian Sarwar states that as on today post of the Sarpanch for any category has not been reserved in terms of the provisions of the Punjab Panchayati Raj Act, 1994 and the Rules framed thereunder, as and when process is taken up reservation shall be made in terms of the Rules framed and instructions issued.

Taking note of above facts, we dispose of this writ petition, directing the Deputy Commissioner to take up process of reservation of post of Sarpanch expeditiously.

(Jasbir Singh) Acting Chief Justice 10.05.2013 (Rakesh Kumar Jain) gk Judge

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