

Ravi Kumar Soi and Another Vs. Union of India and Others

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Court : Punjab and Haryana

Decided On : May-20-2013

Appellant : Ravi Kumar Soi and Another

Respondent : Union of India and Others

Judgement :

CWP No.10829 of 2013 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH CWP No.10829 of 2013 Date of Decision:

20. 05.2013 Ravi Kumar Soi and anotherPetitioners Versus Union of India and othersRespondents CORAM:- HON'BLE Mr.JUSTICE RAJIV NARAIN RAINA
Present: Mr.Navdeep Chhabra, Advocate, for the petitioners.1.

To be referred to the Reporters or not?.

2. Whether the judgment should be reported in the Digest?.

RAJIV NARAIN RAINA, J.(Oral) This petition has been filed questioning the action of the respondent-Cantonment Board, Ferozepur Cantt., Punjab by which a decision has been taken by the Ministry of Defence to postpone the elections to the Cantonment Board the life of which was to expire in May 2013.

The last elections were held in 2008.

The petitioners appear to have made a request under the Right to Information Act, 2005 asking the Registrar (General) to supply information whether the Census 2011 has been completed or not, paving the way for holding of elections to the Cantonment Board.

A letter dated 08.04.2013 (P-5) has been challenged in which the Deputy Director General (Cantonments) acting for Director General, Defence Estates has informed that the term of the Cantonment Board has been extended by a year after the Government of India in the Ministry of Defence has conveyed its sanction for such extension.

CWP No.10829 of 2013 -2- The petitioners are aggrieved by sanction to extend the life of the Cantonment Board by one year since they plead that they are aspirants to the elected office of Members of the Cantonment Board.

Petitioner No.1 claims to be a past member of the Cantonment Board elected prior to the last election the term of which has not been extended.

Learned counsel for the petitioners points out to the provisions of Section 14 of the Cantonments Act, 2006 (for short 'the Act') which deals with terms of office of MembeRs. The fiRs.proviso to Section 14 of the Act lays down that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, it can extend the term of office of all the elected members of the Board by such period not exceeding one year, as it thinks fit.

It is not clear from the record or from the letter (Annexure P-5) as to what the "administrative difficulty" was felt sufficient to act under proviso to Section 14.

In the requests under the Right to Information Act, 2005 there is no pointed query calling upon the respondents to supply information with respect to the administrative difficulty.

for this Court to knot what has weighed in the mind of the authority to proceed to examine its validity.

In the circumstances since the petitioners have already elected to activate the provisions of the Right to Information Act, it may be appropriate to leave the petitioners free to move a specific application seeking answers. Counsel would point out that it has been broadly stated in the application (P-2) dated 12.03.2013 in which the following question has been posed:- (2) If no notification has been issued in this regard kindly let me know whether Central Govt.

is going to extend the term of present members of CWP No.10829 of 2013 -3- Cantonment Boards.

The application has been made on 12.03.2013 but no information has been received so far.

Though there is a provision for appeal against inaction as well under the 2005 Act on expiry of period fixed to respond, yet looking to the nature of the prayers made to the Board, comprising members who hold elected office they would have a right to know what the administrative difficulties are to justify postponement of elections.

If the Board is administered through elected members it would be a democratic body.

It is trite to say that elections are the bedrock of all democratic institutions.

If they are not held or the life of the Board is extended by resort to proviso to Section 14 on the ground of administrative difficulty there must be such transparently compelling circumstances as any reasonable man would believe.

The reason is not known to this Court and therefore the petition is found premature.

Therefore, a direction is issued to the respondents to furnish reasons for postponing the elections and extending the life of the Cantonment Board, Ferozepur Cantt., Punjab since the letter dated 08.04.2013 (P-5) does not disclose reason or process of reasoning which has led to grant of sanction extending life of the Board by one year.

A direction is issued to the respondents to furnish information to the petitioners with respect to the "administrative difficulty" felt under proviso to Section 14 and to do so within 14 days from the date of receipt of the certified copy of this order.

Needless to add that when information is received by the petitioners, they would remain at liberty to take recourse to law if they are still aggrieved.

CWP No.10829 of 2013 -4- Disposed of in the above terms and directions.

(RAJIV NARAIN RAINA) JUDGE 20 05.2013 manju

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