

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 126 OF 2005 IN Civil Appeal 1912/2006

GURSEWAK SINGH

Petitioner(s)

VERSUS

SARABHJEET SINGH & ORS.

Respondent(s)

(With office report )

Date: 24/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Neeraj Kumar Jain, Adv.

Mr. Bharat Singh, Adv.

Mr. Sanjay Singh, Adv.

Mr. Vikrant Hooda, Adv.

Mr. Umang Shanker, Adv.

Mr. Ugra Shankar Prasad, Adv.

For Respondent(s) Shri Sarup Singh, Adv.

Mr. R.K. Pandey, Adv.

Mr. Arun K. Sinha, Adv.

Respondent-In-Person

UPON hearing counsel the Court made the following

O R D E R

The contempt petition is disposed of.

[ Usha Bhardwaj ]

Court Master

[ Pushap Lata Bhardwaj ]

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

COMPTENT PETITION (C) NO.126 OF 2005

IN

CIVIL APPEAL NO. 1912 OF 2006

Gursewak Singh

...Petitioner(s)

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Sarabhjeet Singh & Ors.

...Respondent(s)

O R D E R

The respondent No.4 herein filed an election petition

before the Election Tribunal questioning the election of the

petitioner herein as a Sarpanch of Gram Panchayat, Ralla. When

the matter went up to the High Court, the High Court set aside the election of the petitioner and directed that the charge be handed over to the respondent No.4, declaring him to be elected Sarpanch. It was ordered:

"Order dated 12.10.2004 of the Election Tribunal Mansa is set aside. Appeal before this Court is allowed. As a consequence of this. Election Petition No.58/Pesgu/EP, of 28.7.2003, titled a Avtar Singh vs. Gursewak Singh and

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others is allowed. Appellant is declared duly elected Sarpanch of village Ralla. The competent authority is directed to ask Respondent No.1 to hand over the charge of Sarpanch of Village Ralla to the appellant within 30 days from the receiving of this order. Election Tribunal will proceed to do the needful in accordance with law for compliance of this order."

The petitioner came up in appeal before us upon obtaining special leave therefor. The said order of the High Court has since been set aside by the judgment and order dated 5.4.2006 A three Judge Bench of this Court while issuing notice in terms of an order 7/3/2005 directed maintenance of status-

quo as prevailing on 23.2.05. The contempt petition has been filed alleging that oath was administered to the respondent illegally and despite knowledge of the order of status-quo passed by this Court, the respondent Nos. 1 to 3 insisted upon the petitioner to hand over the charge of the office of the Sarpanch to the respondent No. 4.

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It is not in dispute that pursuant to and in furtherance of the directions of the High Court, the respondent No.4 filed a representation on 12.4.2005 before the appropriate authority. An oath was directed to be administered to him in terms of Section 13 of the Punjab Panchayati Raj Act, 1994. It stands accepted that oath to the respondent No.4 was administered by a junior assistant in the absence of the respondent No.3. He has been placed under suspension. A departmental proceeding is said to be pending against him.

The contention of the petitioner before us is that the alleged contemnors has committed contempt of this Court as despite their knowledge in regard to the order of status-quo passed by this Court as existing on 23.2.2005 they had insisted upon the petitioner to hand over the charge of the office to the 4th respondent. It is, however, accepted that no such charge was handed over. It is also admitted that after taking oath respondent

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No.4 started functioning. Having regard to the facts and circumstances of the case, we are of opinion that no purpose would be served in initiating any proceedings under the Contempt of Courts Act against the alleged contemnors. In our opinion, interest of justice would be subserved if the alleged contemnor No.1 is hereby directed to see that the departmental proceedings against the officer concerned may be completed as early as possible and the Collector of Mansa District is directed to hold an enquiry in regard to the functioning of the respondent No.4

during the period to 7.2.05 till 18.4.2006 and take appropriate

action in the event it is found that irregularity of any such nature

was committed by him during the said period. We have passed

this order on the premise that this illegal oath administered in his

favour did not bestow upon him any authority to function as a

Sarpanch.

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The contempt petition is disposed of in the above terms.

.....J.

[S.B. SINHA]

.....J.

[MARKANDEY KATJU]

New Delhi,

November 24, 2006.