

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17,
PANCHKULA

NOTIFICATION

NO. SEC/3E-II/2016/612

Dated: 09.01.2016

The State Election Commission, Haryana vide notification No. SEC/3E-II/2015/10233, dated 15th December, 2015 has issued the election programme for the conduct of elections of Panchayati Raj Institutions in the State of Haryana. In TABLE-C, para 5 of the notification, the names of Blocks where the elections are to be conducted in 1st, 2nd & 3rd phase are given. As per the schedule, Block Pehowa of district Kurukshetra is included in the 1st phase where the election is to be held due on 10.01.2015.

2. District Election Officer (P), Kurukshetra in his order dated 08.01.2016 issued under Endst. No. 1043-52/Panchayat dated 08.01.2016 has stated that the petitioner in Civil Writ Petition No. 181 of 2016 –Poonam Vs. State of Haryana and ors. challenged the order of Returning Officer Panchayat, Ramgarh Ror vide which he rejected her nomination for election to the post of Sarpanch on the ground that her father in law (Ranbir Singh S/o Sh. Mehan Singh) has been found to be in unauthorized possession of Gram Panchayat land comprising khasra No. 58/17. The Hon'ble Court on 07.01.2016 disposed of the writ petition without expressing any views on merits with a direction to the Deputy Commissioner-cum-District Election Officer (P), Kurukshetra to depute a senior officer of the District Administration preferably Sub Divisional Officer (C) to hold a fact-finding enquiry by associating the private respondents and the petitioner and thereafter determine as to whether or not the petitioner is eligible to contest the election. The Deputy Commissioner-cum-District Election Officer (P) marked the enquiry to the SDO (C), Pehowa. The Enquiry Officer after conducting enquiry concluded that petitioner is not in a illegal possession but her father in law may be in illegal possession in land in question. The officer further referred the judgment of Hon'ble Punjab and Haryana High Court –Smt. Zarina Vs. State of Haryana and ors 2004 L.A.R 506 (P&H D.B) vide which it has been held that “alleged illegal construction/encroachment on Panchayat land was raised 30/35 years back by father in law of the petitioner/Panch-Petitioner cannot be held liable for that – Suspension order set aside”. She further referred provisions of section 175 (n) of the Haryana Panchayati Raj Act, 1994 and concluded “since the disqualification envisaged by Haryana Panchayati Raj Act, 1994 section 175 (n) are personal in nature and all the allegations are against her father in law and not against her”. Finally the enquiry officer concluded that the rejection of nomination for the post of Sarpanch on above mentioned grounds by concerned R.O. is not as per law. In view of the whole position of the case, the Deputy Commissioner –cum-District Election Officer (P), Kurukshetra has made the request to postpone the election of

the seat of Sarpanch Gram Panchayat Ramgarh Ror and issue fresh program for allotment of symbol and polling of votes considering the petitioner as validly nominated candidate.

3. In view of the directions of Hon'ble Court, enquiry report and request of the District Election Officer (Panchayat), Kurukshetra, the Commission hereby orders to postpone the election of the seat of Sarpanch Gram Panchayat Ramgarh Ror, Block Pehowa, district Kurukshetra for 24.01.2016 and as such, the election of the seat shall be held on 24.01.2016 alongwith 3rd phase election. The allotment of symbol for the post shall be made on 13.01.2016 after 3.00 P.M. The counting of the votes be made immediately after the close of poll.

4. Rest of the conditions mentioned in the notification dated 15.12.2015 of this Commission shall remain unchanged.

Dated, Panchkula
The 9th January, 2016

Rajeev Sharma
State Election Commissioner, Haryana

Endst. No. SEC/3E-II/2016/613-620

Dated: 09.01.2016

A copy is forwarded to the following for information and immediate compliance of above orders:-

1. The Asstt. Registrar (W), Hon'ble Punjab and Haryana High Court Chandigarh.
2. Additional Chief Secretary to Government Haryana, Development Panchayat Department, Chandigarh
3. Director General, Development & Panchayat Department, Haryana, Chandigarh.
4. Deputy Commissioner-cum-District Election Officer (Panchayat), Kurukshetra w.r.t. his order issued under Endst. No. 1043-52/Panchayat dated 08.01.2016
5. Director General, Information, Public Relations and Cultural Affairs Department, Haryana, Chandigarh.
6. Controller, Printing and Stationery Department, Haryana, Chandigarh for publication in the Haryana Government Gazette.
7. Sub Divisional Officer (C), Pehowa, Kurukshetra
8. District Development and Panchayat Officers, Kurukshetra. He is directed to forward the copy of this notification to all concerned for information and further necessary action.

Sd/-
(Parmal Singh)
Asstt. State Election Commissioner, Haryana
Email Id: asec.sec@hry.nic.in

CC:S.A./SEC

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