

SUPREME COURT OF INDIA

Ranbir Singh

Vs.

Satbiro Devi

C.A.No.490 of 2000

(S. P. Bharucha, S. S. M. Quadri and M. B. Shah, JJ.)

21.01.2000

ORDER

1. Leave granted.

2. The notice on the special leave petition stated that the matter might be disposed of at this stage by modifying the order of stay granted by the High Court so that it operates only for the period of term of the Sarpanch.

3. Service is complete but the first respondent does not appear.

4. The order of the High Court which is under challenge, insofar as it grants stay, states :

"After considering the matter, we are prima facie of the opinion that the order passed by the Deputy

Commissioner, Karnal removing the petitioner from the office of the Sarpanch as well as the order passed by the appellate authority are arbitrary and legally unsustainable.

Hence the writ petition is admitted.

Operation of the orders Annexure P-3 and P-4 shall remain stayed till the decision of the writ petition. The net result of the stay shall be that the petitioner shall stand restored to the position in which she was prior to the issuance of the order of removal."

5. The obvious intention of the order was that the first respondent, the petitioner before the High Court, would cease to hold the office of Sarpanch when her term in that behalf was over. We are told that the term was in fact over on 15th January, 2000, but that the first respondent continues to hold the office by reason of some notification issued by the State Government whereunder elections to the Panchayats have been postponed. We do not think that the first respondent can take advantage of such notification, having regard to the order of the High Court.

6. In the circumstances, the civil appeal is allowed to this extent. It is made clear that the stay granted by the High Court is operative only until 15th January, 2000, which was the day on which her term came to an end.

7. No order as to costs.

Appeal allowed.