



**STATE ELECTION COMMISSION, HARYANA  
NIRVACHAN SADAN, SECTOR- 17  
PANCHKULA- 134109**

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NO. SEC/4E-II/2022/6144

Dated: 22<sup>nd</sup> November, 2022

**NOTIFICATION**

Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/4332, dated 28.10.2022 had announced schedule for conduct of general elections for the posts of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in four districts, namely, Faridabad, Fatehabad, Hisar and Palwal which also included the post of Sarpanch, Gram Panchayat Ugalan, Block Hansi-2, district Hisar. According to the notification dated 28.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners on 29.10.2022. Nominations were presented between 05.11.2022 to 11.11.2022, scrutiny of nominations received was done by the Returning Officers concerned on 12.11.2022 and withdrawal of candidature was on 14.11.2022. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for members, Zila Parishad and Panchayat Samitis in four districts has been held on 22.11.2022 and polling for election for the posts of Sarpanches and Panches in these four districts is scheduled to be held on 25.11.2022.

2. Whereas, the Deputy Commissioner, Hisar vide his memo No.Panchayat/Election/2022/8894, dated 22.11.2022 has informed that seventeen candidates had filed their nominations (including the petitioner in CWP No 26163 of 2022, Saroj versus State of Haryana and others) for the post of Sarpanch, Gram Panchayat Panchayat, Ugalan, out of which nominations of two candidates (including the petitioner) were rejected and four candidates had withdrawn their candidature. Thus presently there are eleven candidates in fray to whom election symbols have been allotted on the last of withdrawal of candidature. The Deputy Commission-cum-District Election Officer (Panchayat), Hisar has further informed that nomination of Smt. Saroj w/o Sh.Rameshwar resident of Gram Panchayat, Ugalan was rejected by the concerned Returning Officer on the date of scrutiny of nominations i.e. on 12.11.2022 due to not attaching the requisite "No Dues Certificate of arrears of Electricity Bill and slip of Chulha Tax" with her nomination.

3. The Deputy Commissioner, Hisar has further informed that Smt. Saroj w/o Sh.Rameshwar, candidate for the post of Sarpanch, Gram Panchayat, Ugala whose nomination was rejected has filed a CWP No.26163 of 2022, 'Saroj versus State of Haryana and others' in the Hon'ble Punjab and Haryana High Court at Chandigarh. The Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 21.11.2022 in the above said writ petition has directed the Returning Officer to accept nomination of the petitioner.

4. The Deputy Commissioner-cum- District Election Officer (Panchayat) has further requested the State Election Commission, Haryana to advise as what action is to be taken by his office in the matter in view of the above referred directions of the Hon'ble High Court which are reproduced below:-

"The grievance of the petitioner is that she was not communicated about the objections after filing of nomination form as she did not attach No dues Certificate regarding the arrear of electricity bill and slip of Chula Tax alongwith the nomination form.

Learned counsel for the State has filed short reply by way of affidavit of the Block Development and Panchayat Officer, Block Hansi-2, District Hisar – respondent No.4 on behalf of respondents No.1 to 6 dated 18.11.2022/21.11.2022 in Court today and the same is taken on record. As per the said reply, the petitioner had submitted her nomination form on 10.11.2022 in the office of Assistant Returning Officer, Gram Panchayat Ugalan. The said form was got scrutinized by Returning Officer, Head Gram Panchayat Mohalla on 12.11.2022 and it was found that the petitioner did not attach No Dues Certificate regarding the arrear of Electricity Bill and slip of Chula Tax. On this ground, nomination form of the petitioner was rejected on 12.11.2022. However, after passing order dated 16.11.2022, the petitioner has submitted original No Dues Certificate and slip of Chula Tax on 17.11.2022 (Annexure R-1) to the R.O./A.R.O, village Ugalan.

Learned counsel for the petitioner submits that as per Rule 30 of the Haryana Panchayati Raj Election Rules, the Returning Officer (Panchayat) or is made by any other person is to allow the candidate time to rebut if not later than the next day and the Returning Officer (Panchayat) shall record his decision on the date of which the proceedings have been adjourned.

In the present case, Returning Officer, Head Gram Panchayat Mohalla rejected nomination form of the petitioner after observing that the petitioner did not attach No Dues Certificate regarding the arrear of Electricity Bill and slip of Chula Tax alongwith nomination form on 12.11.2022. Now, the petitioner has submitted original No Dues Certificate and slip of Chula Tax on 17.11.2022 (Annexure R-1) to the R.O./A.R.O, village Ugalan in compliance of order dated 16.11.2022.

Hence, direction is given to the Returning Officer, Head Gram Panchayat Mohalla to accept the nomination form of the petitioner.

A copy of this order be given dasti under signature of Bench Secretary to learned counsel for the parties.

List on 09.12.2022."

5. Whereas clause (vi) of subrule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

**"24. Fixation of various stages of elections (2)** The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which,

(vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures"

6. Whereas election symbols have already been allotted to the contesting candidates on the date of withdrawal of candidature i.e. on 14.11.2022 and now the polling of votes for election of Sarpanch of Gram Panchayat, Ugalan is to be held on 25.11.2022 as per notification issued by the State Election Commission, Haryana as referred to above. However, election symbol has not been allotted to the petitioner because her nomination had been rejected. Thus if nomination paper of the petitioner is accepted at this stage, revised list of contesting candidates will have to be published and election symbols will also have to be allotted to the petitioner, and ballot papers will have to be prepared afresh. The election symbols already allotted to the other contesting candidates will be required to be revised since the election symbols are fixed and allotted to the candidates for the post of Sarpanch serial wise according to their names appearing in Hindi (Devnagari) alphabet.

7. In view of the above facts and circumstances of the case, I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions dated 21.11.2022 of the Hon'ble High Court of Punjab and Haryana at Chandigarh passed in CWP No.26163 of 2022, hereby order as under :-

- i) to keep poll for the post of Sarpanch of Gram Panchayat, Ugalan, Block Hansi-2, district Hisar scheduled to be held on 25.11.2022 in abeyance for the time being subject to the final outcome of the present writ petition. Revised schedule for election will be issued in due course, if required.
- ii) to issue notice to all the other contesting candidates for the post of Sarpanch, Gram Panchayat Ugalan informing them that the election will be kept in abeyance for the time being.

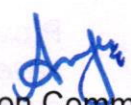
DHANPAT SINGH  
State Election Commissioner, Haryana

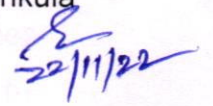
Endst.No.SEC/4E-II/2022/6145-6150

Dated: 22<sup>nd</sup> November, 2022

A copy is forwarded to:-

1. The Chief Secretary to Govt. of Haryana, Chandigarh.
2. The Principal Secretary to Govt. of Haryana, Development & Panchayat Department, Chandigarh.
3. The Director, Development & Panchayats Department, Haryana, Chandigarh.
4. The Deputy Commissioner-cum-District Election Officer (Panchayat), Hisar.  
A copy of the same may be provided to all the concerned candidates.
5. The District Development & Panchayat Officer, Hisar.
6. A copy is forwarded to the Controller, Printing and Stationery, Haryana, Chandigarh for publication in the Haryana Gazette.

  
 Assistant State Election Commissioner,  
 For State Election Commissioner, Haryana,  
 Panchkula

  
 22/11/22