

BEFORE THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM

PRESENT: SHRI. A. SHAJAHAN,
STATE ELECTION COMMISSIONER

Thursday, the 18th day of April, 2024

O.P. No. 17 of 2023

Petitioner

: Shalini Madhu
W/o Madhu
Salma Nivas, Kattikunnuunnu
Chempu PO, Vaikom
Kottayam

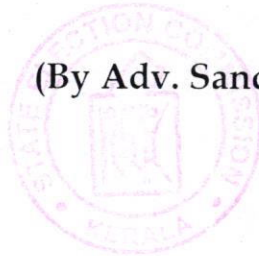
(Member, Ward No.1,
Chempu Grama Panchayat)

(By Adv. Sajitha S & Hisana Babu)

Respondent

: Secretary
Chempu Grama Panchayat
Brahmamangalam PO
Kottayam

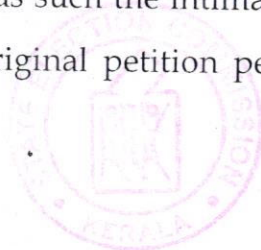
(By Adv. Sandeep T George)



ORDER

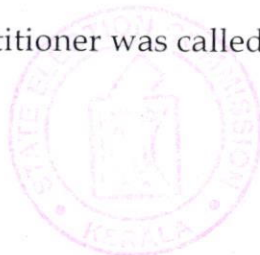
This is a petition filed under sub section (1) section 36 of the Kerala Panchayat Raj Act on 10.03.2023 to declare that the notice bearing No. 400463/DGER04/GPO/2022/4837 (1) dated 17.10.2022 issued by the respondent-Secretary as illegal and to allow the petitioner to continue as member of Chempu Grama Panchayat.

2. Petitioner is a member of Ward No 1 of the Chempu Grama Panchayat. It seems from the notice dated 17.10.2022 issued by the respondent that petitioner was continuously absent from the meetings of the Welfare Standing Committee for a period of more than 3 months viz. 09.06.2022, 04.07.2022, 08.08.2022 and 16.09.2022. In the light of the provisions of section 35 (1) (k) she was ceased to be a member of the Panchayat with effect from 12.08.2022 and accordingly the respondent issued intimation dated 17.10.2022 to the petitioner under section 37 (2) of the Kerala Panchayat Raj Act.
3. As against the statements in the notice dated 17.10.2022, the petitioner averred in the petition that there was no proper notice for the meeting held on 04.07.2022. The meetings dated 08.08.2022 and 16.09.2022 were convened beyond the statutory period and therefore these meetings cannot be reckoned against the petitioner. The petitioner attended the meetings of standing committee held on 17.10.2022 and on the same day she received intimation under section 37 (2) and as such the intimation dated 17.10.2022 is unsustainable. Along with the original petition petitioner filed IA No.



30/2023 praying for the interim reliefs for her continuance as a member of Chempu Grama Panchayat. Commission as per order dated 25.05.2023 granted the interim reliefs.

4. The respondent filed objection on 25.05.2023 refuting the contentions of the petitioner. According to the respondent the impugned notice dated 17.10.2022 was given to the petitioner upon a complaint received from one Sebastian Thoppil. On verification of attendance register it was found that petitioner failed to attend the consecutive meeting of welfare standing committee held on 09.06.2022, 04.07.2022, 08.08.2022 and 16.09.2022. All meeting notices were properly served to the petitioner. All the statutory formalities were properly complied for conducting the meetings. Petitioner attended the meeting held on 17.10.2022 by committing fraud. The request of the petitioner to restore the membership was placed before the panchayat committee meeting held on 31.10.2022 and panchayat committee had taken a decision not to restore the membership of the petitioner.
5. Thereafter case was posted for the evidence of petitioner on 27.06.2023. On 27.06.2023 on the prayer of the petitioner the case was posted for her evidence on 13.07.2023. On 13.07.2023 she again prayed for time and the case was posted for her evidence on 01.08.2023. Thereafter the case was posted for the evidence of the petitioner on 17.08.2023, 05.09.2023, 19.09.2023, 03.10.2023 and on 12.10.2023. On 12.10.2023 petitioner again sought time for evidence and case was posted on 02.11.2023 for evidence as last chance. On 02.11.2023 neither petitioner nor her counsel appeared before the Commission. Therefore petitioner was called absent.




6. Petitioner sought time for evidence for 7 postings from 27.06.2023 to 12.10.2023. Thereafter she was called absent on 02.11.2023. Petitioner failed to adduce any evidence in support of her case despite several opportunities were given to her. Hence petitioner has no legal grounds to assail notice bearing No. 400463/DGER04/GPO/2022/4837 (1) dated 17.10.2022 issued by the respondent.
7. Hence petition is dismissed for default of the petitioner. In the result notice bearing No. 400463/DGER04/GPO/2022/4837 (1) dated 17.10.2022 is confirmed and petitioner is disqualified under section 35 (k) of the Kerala Panchayat Raj Act to continue as a member of Chempu Grama Panchayat . In view of this final order, interim order passed by Commission in I A No. 30/2023 dated 25.05.2023 stands vacated.

Pronounced before the Commission on the 18th day of April, 2024.

Sd/-

A. SHAJAHAN
STATE ELECTION COMMISSIONER.

//True Copy//


B. SURENDRAN PILLAI
Pen No : 101664
SECRETARY
State Election Commission
Kerala, Thiruvananthapuram