



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

आमर्जडेल शिमला-171002 Armsdale, Shimla-171002 Tel. 0177-2620152, 2620159, 2620154, Fax. 2620152
secysec-hp@nic.in

No.SEC(F)1/2019- 664

Dated, the 12st January, 2021

NOTIFICATION

Whereas the State Election Commission has issued Election Programme for the conduct of general elections to Panchayati Raj Institutions of the State except Pradhans of Development Block Chopal & Tutu of district Shimla and Dharampur Development Block of district Mandi vide Notification No.SEC(F)1/2019-8415-8524 dated 21.12.2020;

And whereas nomination papers were filed for the post of Up-Pradhan for Gram Panchayat Batheri Development Block Drung district Mandi in accordance with the said programme;

And whereas the scrutiny of nomination papers was scheduled to be held on 04.01.2021. While undertaking the scrutiny, the Assistant Returning Officer of Gram Panchayat Batheri Development Block Drung accepted the nomination of one Sh. Tolu Ram who is not the voter of the Gram Panchayat Batheri;

And whereas the District Election Officer (P)-cum-Deputy Commissioner Mandi vide letter No. PCN-MND-/Election2020-529 dated 08.01.2021 has informed this Commission about the improper acceptance of the nomination filed by Sh. Tolu Ram for the post of UP-Pradhan for the above said Gram Panchayat and has sought the guidance of this Commission with regard to continuance of the election process for the post of Up-Pradhan in said Gram Panchayat;

And whereas the matter was considered by the Commission and the Commission is of the considered view that the election process for the post of Up-Pradhan of Gram Panchayat Batheri Development Block Drung district Mandi has been vitiated by improper acceptance of the nomination paper by the said Assistant Returning Officer and said action of the Assistant Returning Officer is in violation of Section of 121 of HP Panchayati Raj Act, 1994;

Therefore, the State Election Commission, in exercise of the powers vested in it under Article 243K of the Constitution of India, Section 160 of HP Panchayati Raj Act, 1994 read with rule 32(5) of the HP Panchayati Raj (Elections) Rules, 1994 hereby invalidates the process of scrutiny for the post of Up-Pradhan of Gram Panchayat Batheri Development Block Drung district Mandi. The Commission further directs that the scrutiny of the said nomination


papers shall be undertaken afresh on 13.01.2021 up to 12.00 Noon. The Assistant Returning Officer shall prepare fresh list of contesting candidate on Form 21 in accordance with rule 39(8) of the rules ibid. Thereafter any validly nominated candidate can withdraw his candidature up to 03.00 P.M. on the said date. Immediately after the time of withdrawal is over the ARO shall forthwith prepare a list of contesting candidates in Form 24 in accordance with rule 41 of the rules ibid. However the symbols allotted to contesting candidates shall not be changed (in case the contesting candidates are more than one) as they have been canvassing to seek the support of the electors on the basis of symbols already allotted to them. The list of contesting candidates shall be immediately provided to the Commission so that ballot papers showing the name of the contesting candidates and symbols allotted to them may be printed. The poll for the post of Up-Pradhan in the said Gram Panchayat shall be held in accordance with the Notice issued by the District Election Officer (P) under rule 33 of the rule ibid as per ongoing schedule

By Order

State Election Commissioner
Himachal Pradesh.


Endst. No. SEC(F)-1/2019-665 dated the **12st January, 2021**

1. Copy to the District Election Officer (Panchayat)-cum-Deputy Commissioner Mandi with the request to issue revised notice under rule 33 on form 17 as per above schedule and ensure that the said notice is served upon on the contesting candidate for the post of Up-Pradhan Gram Panchayat Batheri under proper receipt by today evening. Further the present ARO of Gram Panchayat Batheri may be changed immediately and a new ARO may be deputed in his place.


(Surjeet Singh Rathore)
Secretary
State Election Commission
Himachal Pradesh.

Endst.No. SEC(F)-1/2019-666-70 dated, the **31st December, 2020**
Copy forwarded for information and necessary action to: **12st January**

1. The Secretary (Panchayat Raj) to the Govt. of H.P.
2. The Asstt. Distt. Election Officer (P)-cum-Distt. Panchayat Officers Mandi H.P.
3. The Block Development Officer Development Block Drung of district Mandi.
4. E- Gazette.
5. Guard File.


Secretary
State Election Commission
Himachal Pradesh.