

**BEFORE THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM**

PRESENT:SHRI.K.SASIDHARAN NAIR, STATE ELECTION COMMISSIONER

Tuesday the 18th day of November, 2014

RC. No.1/2014

Petitioner : Secretary
Panthalam Thekkekkara Grama Panchayat,
Pathanamthitta District.

(By Adv. G.K.Sudheer)

Respondent : Jacob George,
Member, Ward No.4,
Panthalam Thekkekkara Grama Panchayat,
Residing at Edakkunnil Veedu,
Keerukuzhi P.O., Panthalam
Pathanamthitta District.

(By Adv. Pradeep Radhakrishnan)

This case having heard on 5th September 2014, in the presence of **Advocate G.K.Sudheer** for the Secretary and **Advocate Pradeep Radhakrishnan** for the respondent and having stood over for consideration to this day, the Commission passed the following.

ORDER

This is a reference made by the Secretary of the Panthalam Thekkekkara Grama Panchayat as per the proviso to sub Section (1) of

Section 36 of the Kerala Panchayat Raj Act for declaring that the respondent has ceased to hold office as a member of this Panchayat for his failure to attend the consecutive meetings of the Health and Education Standing Committee for the period from 15.02.2013 to 29.01.2014.

2. According to the reference petitioner the respondent who is representing ward No.4 of Panthalam Thekkekkara Grama Panchayat and also a member of Health and Education Standing Committee has failed to attend the meetings of the said Standing Committee consecutively for the period from 15.02.2013 to 29.01.2014 for which due notices were given and thereby he has ceased to hold office as a member of this Panchayat. It is also stated that another member of this Grama Panchayat has submitted a petition before the Secretary stating the above facts and the said petition also has been forwarded along with the reference.

3. The respondent filed objection contenting in brief, as follows:-
The reference is not maintainable either in law or on facts. This petition has been filed under Section 36(2) of the Kerala Panchayat Raj Act for a proper adjudication with respect to a petition submitted by Smt.C.N.Janaki, another member of this Panchayat alleging that the respondent was continuously absent from the meetings of the Health and Education Standing Committee from 15.02.2013 to 29.01.2014. The above petition is not legally sustainable. The last Health and Education Standing Committee in which the respondent attended was on 28.04.2014. The petition submitted by

Smt.C.N.Janaki has been forwarded to this Commission on 11.04.2014. The respondent was not served with any notice regarding the allegations in the petition. The respondent was present in all the meetings of the Health and Education Standing Committee during the period from 15.02.2013 to 29.01.2014. But there occurred some manipulations in the notice book and attendance book. The quorum for the Standing Committee will be achieved only if the respondent was present in the alleged meetings. Moreover in the minute's book it clearly mentioned that the respondent had made suggestion with respect to construction of a building in the meeting held on 29.01.2014 which would indicate that he was present for that meeting. The present petition is filed with intent to harass and vex this respondent who was elected as an independent member without bonafides. Hence the petition is liable to be dismissed.

4. The evidence consists of the oral depositions of PW1, RW1 and Exts.P1 to P6 and R1.

5. Both sides were heard

6. The following points arise for consideration;

(i) Whether the petition is not maintainable?

(ii) Whether the respondent has failed to attend three consecutive meetings of the Health and Education Standing Committee held in three consecutive months for which due notices were given as alleged?

(iii) Whether the respondent has ceased to hold office as a member of Panthalam Thekkekkara Grama Panchayat as alleged?

(iv) Reliefs and costs?

7. POINT No.(i): This reference is made under Section 35(k) r/w the proviso to Section 36(1) of the Kerala Panchayat Raj Act, for short the 'Act'. According to the reference petitioner the respondent who is a member of Health and Education Standing Committee has failed to attend the meetings of the Standing Committee continuously for the period from 15.02.2013 to 29.01.2014 for which due notices were given and so prays for disqualifying him as provided by Section 35(k) of the Act. The respondent would contend that the petition is not maintainable. Section 36(1) inclusive of its proviso is relevant in this context and it reads as follows,-

“36.Determination of subsequent disqualification of a member, (1) Whenever a question arises as to whether a member has become disqualified under Section 30 or Section 35 except clause (n) thereof after having been elected as a member, any member of the Panchayat concerned or any other person entitled to vote at the election in which the member was elected, can file a petition before the State Election Commission for decision.

Provided that, the Secretary or the Officer authorized by the Government in this behalf may refer such a question to the State Election Commission for decision.”

8. So as per the above proviso, the Secretary of the Panchayat is entitled to make a reference for a decision on a question as to whether a member has become disqualified under any of the provision of Section 35 of the Act. Section 35(k) of the Act states that a member shall cease to hold office as a member if he absents himself without the permission of the Panchayat concerned from its meeting or the meeting of the Standing Committee thereof for a period of three consecutive months as provided therein for which due notices were given. In the case on hand, definitely a question arises as to whether the respondent has become disqualified as provided by Section 35(k) of the Act. Since the reference has been made by the Secretary of the Panchayat as provided by the proviso to sub Section (1) of Section 36 of the Act, I find that the petition is legally sustainable.

9. The respondent has taken another contention that as per Section 37(2) of the Act, the Secretary has to at once intimate the fact regarding cessation of membership under clause (k) of Section 35 to the person concerned and report the same at the next meeting of the Panchayat and if such person applies for restoration of his membership, the Panchayat can restore him to his office and that no intimation with respect to

disqualification was given to the respondent and only by giving such an intimation such member will cease to hold office. The learned counsel for the respondent would rely on the decision in Ajith Kumar V. Kerala State Election Commission (2006(4) KLT) Short notes –3, Case No.4 to support the above position. In this decision it has been held as follows,-

“Even though a member entails disqualification by absenting himself from the meetings of the panchayat continuously for three months under Section 35(k) of the Act, such disqualification becomes operative from the point of view of the member concerned only when the Secretary of the Panchayat has under Section 37(2) intimated to the member in writing the fact that he has ceased to be a member and has reported in the next meeting of the Panchayat regarding the intimation to given Section 37(2) makes it obligatory for the Secretary of the panchayat to send the intimation immediately on the member ceasing to be a member under clause (k) of Section 35. Issuance of an intimation under Section 37(2) is very important from the point of view of the member disqualified become only upon receiving such intimation that he avails of the two remedies

which are available to him under the Statute. The first remedy is to approach the Election Commission under Section 36 of the Panchayat Raj Act disputing the disqualification and seeking adjudication on the question as to whether the member has become disqualified. The other remedy which is available is to apply for restoration of membership to the Panchayat itself and the member has time till the next meeting of the Panchayat or till the expiry of 15 days from the date of receipt of the intimation. Section 37(2) and its proviso will indicate that this latter remedy of applying for restoration to the Panchayat is a more convenient remedy and will be effective for a member who is applying for restoration for the first time during his/her tenure as member.”

10. The decision in Rajan Kannath V. P.R.Pradeep Kumar (2010(3) KLT 457) also is pressed in to service to canvas for the position that in the absence of proceedings under Section 37(2) of the Kerala Panchayat Raj Act, by the Secretary either suo moto or on a request by anybody declaring cessation of membership, no member will cease to hold office by virtue of the operation of Section 35(k) of the Kerala Panchayat Raj Act. It is

significant to notice that in the above decision the challenge was against the belated intimation given by the Secretary as provided by Section 93(2) of the Kerala Municipality Act which is in pari materia with Section 37(2) of the Act, and while considering that provision, the Hon'ble High Court held that there cannot be cessation of membership in the absence of proceedings under Section 93(2) of the said Act. The Hon'ble High Court was not considering the applicability of Section 36(1) or its proviso of the Kerala Panchayat Raj Act in the above decision.

11. From Section 36(1) of the Act, it is very clear that whenever a question arises as to whether a member has become disqualified under Section 30 or Section 35 except clause (n) there of after having been elected as a member, any member of the Panchayat concerned or any other person entitled to vote at the election in which the member was elected can file a petition before this Commission for decision and as per its proviso the secretary or the Officer authorized by the Government in this behalf can refer such a question to this Commission for decision. As per sub Section (3) of Section 36, such a petition or reference has to be disposed of by the Commission in accordance with the procedure applicable under the Code of Civil Procedure when trying a suit. So Section 36(1) and its proviso take within its scope all the provisions of Section 35 except clause (n) thereof, which of course relates Kerala Local Authorities (Prohibition of Defection) Act for which separate remedy is provided in that Act itself, and so when a

member ceases to hold office under Section 35(k) of the Act, any other member of the concerned Panchayat or a voter of the constituency from where the concerned member was elected can file a petition seeking his disqualification under Section 35(k) of the Act and in such a context the Secretary also can make a reference to this Commission for decision. Of course even the member who received intimation under Section 37(2) of the Act also can file a petition under Section 36(1) of the Act. Section 37(2) of the Act is relevant in this context and it reads as follows,-

“37(2) Where a person ceases to be member under clause (k) of Section 35 the Secretary of the Panchayat concerned shall at once intimate the fact in writing to such person and report the same at the next meeting of the Panchayat. If such person applies for restoration to the Panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the Panchayat may at the meeting next after the receipt of such application restore him to his office of member.”

12. In Rajan Vs. Kerala State Election Commission (1999 (3) KLT 601) it has been held that Sections 36 and 37(2) provide inconsistent remedies and in case a person who receive an intimation under Section 37(2) chooses one such remedy, he is estopped from seeking the other relief in that

case. At the same time it has been further held in the decision that such member who has chosen to apply for restoration alone is estopped from making an application under Section 36(1) of the Act and if such a petition is filed by another member or even a voter, such a petition is to be decided by the Commission on merits. However in *Anil Kumar V. Kerala State Election Commission 2007(2) KLT 303*) another Division Bench has gone to the extent of holding that even if the Panchayat Committee rejects an application for restoration of membership, that member can seek a decision from the State Election Commission and that Sections 36(1) and 37(2) of the Act are not inconsistent remedies. However the above question does not crop up for consideration in the present case.

13. On a harmonious construction of Sections 35(k), 36(1) and Section 37(2) of the Act, it is clearly found that whenever a question arises as to whether a member has become disqualified under Section 35(k) of the Act, either any member of the Panchayat or a voter of the constituency from which the concerned member was elected can file a petition before this Commission for decision and more over in such a context, the Secretary of the Panchayat can make a reference to this Commission for decision and in such a case the Secretary cannot resort to the procedure contemplated by Section 37(2) of the Act. So in the case of an alleged disqualification under Section 35(k) of the Act, any member or voter can file a petition under Section 36(1) for declaring that the concerned member has ceased to hold

office and under its proviso the Secretary or the officer authorized by the Government in this behalf can make a reference to this Commission for decision. Section 37 is a special provision whereby the Secretary of the Panchayat has to intimate the fact in writing to the member if he ceased to hold office under Section 35(k) of the Act and in such a context that member has two options, he can admit the cessation and apply for restoration as provided by Section 37(2) or file a petition under Section 36(1) challenging such intimation. However if no intimation has been served as provided by Section 37(2) of the Act, any other member or a voter of the constituency from which the concerned has been elected can file a petition under section 36(1) of the Kerala Panchayat Raj Act. The Secretary can also make a reference without resorting to Section 37(2) of the Act seeking a decision regarding the question whether the said member has ceased to hold office in terms of the proviso to Section 36(1) of the Act. Section 36(1) of the Act is a general provision and Section 37 is a special provision and both these provisions operate under different situations. In V.Anil Kumar V. Kerala State Election Commission (2007 (2) KHC 273) it has been held at Paras 7 and 8 as follows,-

“7. We are of the view, whenever a question arises as to whether a member has become disqualified under Section 35(k) that member can invoke Section 36(1) of the Act and seek a decision from the Election

Commission. So also, such a person can invoke Section 37(1) for restoration of his membership by preferring an application under sub-section (2) of Section 37 before the Panchayat but a voter cannot invoke Section 36(1), if that elected member has already entailed disqualification and that order of disqualification has become final. An elected member can always invoke sub-section (1) of Section 36 even if the Panchayat Committee has rejected his application under sub-section (1) of Section 37 for restoration of his membership.

8. We however, find it difficult to approve the reasoning in Rajan's case (supra) which says that remedies available under Sections 36 and 37(2) are inconsistent remedies. In our view those provisions operate on different situations. Section 36(1) calls upon the Election Commission to decide as to whether a member has entailed disqualification. Section 37(2) gives an opportunity for a disqualified member for restoration of his membership. On facts this case stands on a different footing, hence reference to a Larger Bench does not arise. In the instant case, petition was moved under Section 36(1) of the Act

not by the person who entailed disqualification but by a voter. So far as a voter is concerned, in our view, once the member has already become disqualified and that order has become final, no question arises as to whether the elected member has become disqualified or not so as to enable a voter to invoke sub-section (1) of Section 36 of the Kerala Panchayat Raj Act.”

14. In the above decision it has been held that a member of the Panchayat can invoke Section 36(1) of the Act whenever a question arises as to whether he has become disqualified under Section 35(k) if he has been served with an intimation under Section 37(2) of the Act and such a member can also apply for restoration without resorting to Section 36(1) on getting such intimation and it has been further held that the said member even after the dismissal of his application for restoration can file a petition under Section 36(1) and in such a context a voter cannot move the Commission for decision. At the same time it has been clarified that a voter can file a petition under Section 36(1) of the Act when a question arises as to whether a member has ceased to hold office as provided by Section 35(k) of the Act. In *Giji Mathew V. Kerala State Election Commission* (2006 (3) KLT 141) also this position has been clarified. In **Gopi V. Maneed Grama Panchayat** (2002(2)KLT 753) it has been held at **Para 4** as follows,-

“4. Under Section 36 of the Kerala Panchayat Raj Act, 1994, whenever a question arises as to whether a member has become disqualified under Section 30 or under Section 35 (except under Section 35(n), it is open to any member of the Panchayat concerned or any person entitled to vote at the election in which the member was elected to file a petition for a decision by the Commission. It has now been held by a Bench decision of this Court in Rajan V. Kerala State Election Commission, 1999(3) KLT 601 that an aggrieved member also is entitled to approach the Commission. After the amendment by Act 13/1999 with effect from 24.03.1999 the Secretary of the Grama Panchayat or any officer authorized by the Government are also entitled to refer such a question to the Commission. It is significant to note that as far as aggrieved member/members of the Panchayat/voters are concerned, they have to file a petition before the State Election Commission as and when the question arises; whereas in the case of the Secretary of the Grama Panchayat or the officer authorized by the Government

they are entitled to refer a question for decision by the Commission.”

This position is further clarified at **Para 6** of the above decision as follows,-

“6. But a question may arise as to the disqualification of a member even before the Secretary of the Panchayat gives an intimation to the member or reports the matter to the Panchayat. It is significant to note that the expression ‘question’ has been understood as ‘dispute’ by the Division Bench in Rajan’s case (supra). Even otherwise the Legislature uses the expression under Section 36 “whenever a question arises.” The question is said to arise when the membership becomes questionable. The membership becomes questionable not only at the instance of the member concerned but at the instance of (1) any other member, or (2) any voter, or (3) the Secretary, or (4) the Officer specifically authorized by the Government. Those persons are entitled to approach the Election Commission under Section 36, even before the Secretary of the Grama Panchayat intimates the fact to the member concerned. It is also to be noted that Section 36 operates in a wide range of situations under Section 30 and Section 35 whereas Section 37(2) deals only with Section 35(k)

situation. As to whether it is a fact that a person has ceased to be a member can itself be a matter of reference as far as the Secretary or the authorized officer is concerned. The affected as well as aggrieved members and voters are concerned they are entitled to file petition before the Election Commission for a decision as to the acquisition of disqualification.”

15. On a careful reading of the proviso to Section 36(1) of the Act itself there cannot be any doubt that the Secretary of the Panchayat who has not given any intimation to the member as provided under Section 37(2) of the Act, is competent to make a reference to this Commission for decision whenever a question arises as to whether the said member has become disqualified under Section 35(k) of the Act. Therefore in the light of the settled position of law and in the light of the proviso to Section 36(1) of the Act, I hold that this reference made by the Secretary is maintainable.

16. The learned counsel for the respondent would also argue that the respondent was allowed to participate in the subsequent meetings of the Standing Committee and this reference has been made thereafter and no reason is stated for the delay in making the reference. No limitation period is not prescribed for filing a petition or making a reference under Section 36(1) of the Act. It is settled law that the disqualification incurred due to failure of the member to attend three consecutive meetings will not be

eschewed by allowing the member to attend the subsequent meetings. In Rajan Kannath's case cited supra also this position clarified as follows,-

“We are also not able to accept the proposition laid by the learned Single Judge that permission to participate in the subsequent meeting will give rise to a presumption that there is a deemed restoration of membership by the Council to such member. Logically the view taken by the learned Single Judge is quite acceptable, but the disability for a member from restoration of membership more than once for violation of Section 91(k) will not justify any such presumption of deemed restoration of membership each time it is lost.”

17. On a careful consideration of all facts and settled position of law I hold that the petition is maintainable. The point is answered accordingly.

18. POINT Nos.(ii) to (iv): The definite case of the reference petitioner is that the respondent being a member of Health and Education Standing Committee has failed to attend the meetings of that Standing Committee for the period from 15.02.2013 to 29.01.2014 for which due notices were given and thus he incurred disqualification. The Secretary of the Panchayat has been examined as PW1. He deposed in terms of the averments made in his petition. The notice book is marked as Ext.P1 and the attendance register is marked as Ext.P2. The minute's book also has

been produced and marked as Ext.P3. In cross-examination PW1 has deposed that the member Smt.Janaki who filed a petition before him also is a member of Health and Education Standing Committee and it was further suggested that in the minutes of the meeting held on 29.01.2014 the comment made by the respondent regarding the work of Primary Health Centre has been noted which PW1 admitted and that is marked as Ext.P3(a).

19. The respondent has been examined as RW1. He has deposed that he was present in the meeting held on 29.01.2014. He has also stated that the allegation that he was absent continuously for the meetings of the Health and Education Standing Committee from 15.02.2013 to 29.01.2014 is false. The record relating to disbursement of sitting fee for the period from March 2013 to March 2014 has been produced by the respondent and marked as Ext.R1. In cross-examination RW1 has admitted that he has put his attendance marked in the attendance register for all the meetings in which he was present. He has admitted that on 13.12.2010 he has put his signatures in Ext.P2 in token of his attendance in that meeting. In cross-examination he has admitted that he has not obtained the record regarding disbursement of his sitting fee in respect of the Standing Committee alone.

20. The respondent has no case that due notices were not given to him for the meetings of the Health and Education Standing Committee held in this Panchayat. Section 35(k) of the Act is relevant in this context and it reads as follows,-

“35. Disqualifications of members, - (1) Subject to the provisions of Section 36 or Section 102, a member shall cease to hold office as such, if he..

.....

(k) absents himself without the permission of the Panchayat concerned from its meeting or the meeting of the Standing Committee thereof for a period of three consecutive months reckoned from the date of commencement of his term of office or of the last meeting that he attended, or of the restoration to office as member under sub-section (1) of Section 37, as the case may be, or if within the said period, only in less than three meetings of the panchayat or of the Standing Committee as the case may be, have been held, absents himself from three consecutive meetings held after the said date:

Provided that no meeting from which a member absented himself shall be counted against him under this clause if,-

- (i) due notice of that meeting was not given to him; or*
- (ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or*
- (iii) the meeting was held on a requisition of members; or*

Provided further that no permission shall be granted by the Panchayat to a member for absenting himself from meetings of the Panchayat or of the Standing Committee for a continuous period of more than six months.”

21. So for attracting this provision certain conditions are to be satisfied. Firstly the member should absent himself from the meeting of the Panchayat or of the Standing Committee of which he is a member for a period of three consecutive months reckoned from the date on which his term of office starts or of the last meeting that he attended. Secondly due notices of those meetings should have been served to him and such meetings were not held on requisition of members. There should have been three meetings within the period of the above three months. It is also important to point out that if within the said period of three months, only less than three meetings of the Panchayat or of the Standing Committee as a case may be have been held, the member should have failed to attend the meetings of the subsequent three consecutive months to attract disqualification. The period of three consecutive months to be reckoned from the last date that the member has attended is to be calculated not on the basis of calendar months but on the basis of the month starting from the date of the meeting from which he failed to attend. This position has been clarified in Krishna Kumar C. V. Kerala State Election Commission (2010 (3) KLT 315). At Paras 11 and 12 of the above decision it has been held as follows,-

“11.It is clear from the principles laid down in the above decisions that the word “month” has to be reckoned, and the period has to be computed in the light of the language employed in the provision itself. When a particular date which is not the first of the month has to be reckoned, the first month will have to be computed by reckoning the said factor. When the period has to be counted from a date which is not the first day of the month, the method of computation as described in Halsbury’s Laws of England has to be adopted which is the safest method. This is clear from the decisions in Daryoth Sigh’s case, Bibi Salma Khatoon’s case and Surabhi’s case. In all these three cases the word “month” is qualified by the words “from the date” etc. Therefore, when the word “month” is followed by such an expression indicating the date from which it has to be computed, the principles stated in the above three decisions will squarely apply and the period will expire upon the day in the succeeding month corresponding to the date upon which the period starts. Evidently, in Surabhi;s case (supra), this Court considered an

identical situation like one herein, wherein under the Land Acquisition Act, viz. Section 28A(1), the application had to be made within “ three months from the date of award of the Court.” Therefore, the calendar month has to be reckoned from the date of the award. The Apex Court in Bibi Salma Khatoon,s case (supra), also has considered a similar issue. Therefore, the said dictum alone will apply to the facts of this case. The decision of this Court in Radhakrishnan’s case,” was one considering a case where the wording of Section 33(1) of the Kerala Co-operative Societies Act, 1969 was not the like one in Section 35(k) of the Panchayat Raj Act. Therefore, it is in that context this Court said that when ‘month’ followed by the words, “consecutively six months” has to be reckoned based on British calendar, till the end of the six months period.

12. Herein, going by the facts of the case, the last meeting which the petitioner had attended, was on 16.10.2008. The notice Ext.P1 was issued on 24.01.2009. Therefore reckoned from the date 16.10.2008, on which he last attended the meeting

and even excluding one day, the period of three months will expire before 24.01.2009, the date of Ext.P1 notice. It is not as if the Secretary should have waited till the end of January, ie., 31.01.2009. Therefore, the contention raised by the petitioner that the notice itself is without jurisdiction, cannot be accepted.”

22. On a perusal of Ext.P1 it is found that due notices were given to the respondent for the meetings held from 15.02.2013 to 29.01.2014. Further the respondent has not raised any dispute regarding notice. The contention of the respondent that he was present in the said meetings is belied by Ext. P2 series. Of course in the minutes of the meeting held on 29.01.2014 his attendance mark is not available in Ext.P2 whereas there is reference regarding his comment in Ext.P3(a) minutes. So that meeting cannot be considered for the purpose of this case. On a perusal of Ext.P2 it is found that there was a meeting of the Health and Education Standing Committee on 15.02.2013. But no meeting is found to have been held in March 2013. However on 22.04.2013, 16.05.2013 and 10.06.2013 meetings were held for the months of April, May and June respectively. It is further found that after holding the meeting on 22.04.2013, the next meeting was held on 16.05.2013 and the third meeting was held on 10.06.2013 and as the third meeting was held monthly within a period three months as prescribed under

Section 35(k) when reckoned from 22.04.2013 I find that the respondent was absent consecutively for meetings of the Health and Education Standing Committee for three continuous months. The respondent has no case that he was not served with due notices for these meetings. He has also no case that he was present in these meetings. Ext.R1 is not of any help to prove that he had received sitting fee for any of these meetings. On the other hand Exts.P4 to P6 would show that he had not received sitting fee in respect of the meeting of the Health and Education Standing Committee during this period. Even for the subsequent meetings held in July, August and September the respondent was absent and even the respondent does not have a case that he was not served with due notices in these meetings. The meeting for the month of July was held on 09.07.2013, in August the meeting was held on 07.08.2013 and in September the meeting was held on 07.09.2013. These meetings also were convened strictly in consonance with Section 35(k) of the Act. As it is found that the respondent was absent for these consecutive meetings also there cannot be any doubt that he had incurred disqualification on account of his failure to attend three consecutive meetings of the Health and Education Standing Committee during this period also. On a careful consideration of all facts and materials on record I find that the respondent has failed to attend three consecutive meetings held during three consecutive months for which due notices were given and

thereby he has incurred disqualification as provided by Section 35(k) of the Act. The points are answered accordingly.

Hence the petition is allowed and it is declared that the respondent has ceased to hold office as a member of the Pandalam Thekkekkara Grama Panchayat as provided by Section 35(k) of the Kerala Panchayat Raj Act.

The parties shall bear their respective costs

Pronounced before the Commission on this the 18th day of November 2014

Sd/-
K.SASIDHARAN NAIR,
STATE ELECTION COMMISSIONER

APPENDIX

Witness examined of the side of the petitioner

PW1 : Sri.Unnikrishnan Unnithan,Secretary,
 Panthalam Thekkekkara Grama Panchayat

Witness examined on the side of the respondent

RW1 : Sri.Jacob George, Edakunnil, Keerukuzhi.P.O.

Documents produced on the side of the petitioner

P1 : Notice Book of Health and Education Standing
 Committee Meeting, Panthalam Thekkekkara
 Grama Panchayat

P2 : Attendance Register of Health and
 Education Standing Committee meeting,
 PanthalamThekkekkara Grama Panchayat

P3 : Minutes Book of Health and Education Standing
 Committee, Panthalam Thekkekkara Grama
 Panchayat

- P3(a) : Page No.58 of P3
P4 : Copy of the application submitted to the Right to Information Officer, Panthalam Thekkekkara Grama Panchayat by Sri.Jacob George
P5 : Copy of the fully vouched contingent Bill of the sitting fee from 9/2013 to 3/14 of Panthalam Thekkekkara Grama Panchayat
P6 : Copy of the fully vouched contingent bill of the sitting fee from 3/2013 to 8/2013 of Panthalam Thekkekkara Grama Panchayat

Document produced on the side of the respondent

- R1 : Copy of the Acquittance Roll for sitting fee of the President and Members, Panthalam Thekkekkara Grama Panchayat

Sd/-

**K.SASIDHARAN NAIR,
STATE ELECTION COMMISSIONER.**

//True Copy//