

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.25778 of 2014
Date of Decision: 27.01.2015

Sham Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Ranjit Singh Kakkar, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J(ORAL)

The father of the petitioner was working with Municipal Council, Kotkapura as Safai Sewak. He expired on 16.05.2010.

The petitioner had applied for the said post on compassionate basis. On 31.12.2010 the General Body of Municipal Council, Kotkapura passed a resolution No.149(e) approving the appointment of the petitioner on the post of Safai Sewak on compassionate grounds. The petitioner was even issued an office order Annexure P5 regarding his appointment. It was a condition that before joining the duty the character of the petitioner would be got verified from the Police Department.

The District Magistrate, Faridkot has informed to respondent No.4 that the petitioner has been sentenced in two cases. First, in FIR No.264 dated 19.11.2008 under Section 420 IPC and Sections 13A/3/67 of the Gambling Act, in which he was found guilty but released after

depositing of fine of Rs.300/-. In other case FIR No.7 dated 24.02.2011 under Section 61/1/14 of the Punjab Excise Act, he was released on probation.

Respondent No.4 thereafter sought legal opinion as to whether the petitioner can be allowed to join the duty in the light of his involvement in above cases.

The case of the petitioner is that despite legal opinion having been sought as far as back on 18.04.2013, no further action could be taken because as per his knowledge the legal opinion has not been received yet.

Learned counsel for the petitioner submits that at this stage he would be satisfied if a direction is issued to respondent No.4 to take a decision regarding appointment of the petitioner, expeditiously after securing the legal opinion.

Accordingly, the present writ petition is disposed of with a direction to respondent No.4 to take a final decision regarding the appointment of the petitioner on compassionate ground expeditiously, preferably within a period of three months from the date of receipt of certified copy of the order. Any necessary formality including securing legal opinion be completed before that date.

(HARINDER SINGH SIDHU)
JUDGE

27.01.2015
ashok