

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4776 of 2017

Nadeem Ansari S/o Late Shri Abdul Naiem Ansari, Aged About 26 Years R/o Behind Raipur Bakery, Moulana Aizaz, Baijnathpara, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Special Secretary, Urban Administration And Development Department, Indravati Bhawan, Block D, Fourth Floor, New Raipur, District Raipur (Chhattisgarh) Pin Code 492002
2. Commissioner, Municipal Corporation Raipur Nigam Head Office, Near Mahila Police Thana, Gandhi Udayan, District Raipur (Chhattisgarh) Pin Code 492009
3. Municipal Corporation Raipur, Through The Commissioner, Municipal Corporation Raipur Nigam Head Office, Near Mahila Police Thana, Gandhi Udayan, District Raipur (Chhattisgarh) Pin Code 492009

---- Respondents

Shri Amrito Das, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.
Shri H.B.Agrawal, senior counsel along with Shri Rajnish Singh Baghel, counsel for respondents 2 and 3.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/11/2017

In this petition, petitioner's grievance, as ventilated in the pleadings is that even though the petitioner's entitlement for compassionate appointment has been adjudicated by the duly constituted appeal committee of the Municipal Corporation, officers of the Corporation are determined not to comply with the directions. He submits that to the best notice and knowledge of the petitioner, no remedy has been taken against the order passed by the appeal committee nor the same has been varied or set aside by the Government or any Court of law.

2. Learned State counsel submits that according to the understanding of the Commissioner, Corporation, the order of the appeal committee is nullity, bad in law and need not be complied with.

3. To say the least, the submission and the stand taken before the Court by the State counsel and the Corporation is in the teeth of the provisions of Municipal Corporation Act, 1956. The appeal committee is the statutory committee and its orders are binding on the employees and officers of the Corporation. No orders or proceedings were brought to the notice of this Court to show that the order of the appeal committee has been stayed, kept in abeyance or otherwise set aside by the Government or any Court of law.

4. Result, therefore, is obvious. The petitioner is entitled to compassionate appointment. Accordingly, a writ of mandamus is issued to the Commissioner, Municipal Corporation to provide forthwith, compassionate appointment to the petitioner by passing an order within 30 days from the date of receipt of copy of this order. The petition is accordingly allowed.

5. It appears that the officers of the Corporation are not acting in accordance with the provisions of the Municipal Corporation Act and gone to the extent of defying the order passed by the appeal committee.

A copy of this order shall be submitted by the State counsel to the State Government for taking necessary steps in the matter.

Sd/-
(Manindra Mohan Shrivastava)
Judge