

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6379 of 2016 (O&M)

Date of decision: 21.02.2017

Sarvesh and another

...Petitioners

V/s.

The Municipal Corporation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Pankaj Maini, Advocate for the petitioners.

Mr. Deepak Sabharwal, Advocate for the respondents.

The petitioners are stated to have initially appointed as Safai Karamchari on regular basis on 18.01.1997. Their services were retrenched on 11.01.2001 along with similarly situated persons due to abolition of octroi system and financial crunch in the Municipal Corporation. The Government took a policy decision to reinstate the retrenched employees on daily wage basis with certain conditions that they are not entitled to seek service benefits during the period from 1997 till retrenchment of their services. When things stood thus, the respondents proceeded to regularize the services of those retrenched employees and who have been re-appointed on daily wage basis in the month of January, 2012. The first petitioner is stated to have been appointed on regular basis on 18.01.2012 and the second petitioner has not been appointed on regular basis on the ground that she has not appeared in the interview on 19.08.2014. The petitioners are low paid employees and they are working as Safai Karamchari. They are not aware of the various provisions of law governing the post of Safai Karamchari and other related service conditions. Having regard to these facts and circumstances, respondent No. 1 is directed to consider the claim

of second petitioner for regular appointment to the post of Safai Karamchari within a period of three months from today and further extend all service benefits to the second petitioner w.e.f. 18.01.2012 on notional basis.

Learned counsel for the petitioners submitted that even though the first petitioner was appointed on regular basis, the respondents are preventing her in discharging the duties to the post of Safai Karamchari from 22.08.2014. If the respondents are preventing the petitioner in discharging her duty to the post without assigning any reason in writing, it is highly unfair and arbitrary action on the part of the respondents. The respondents are directed to take necessary action to see that the first petitioner is permitted to discharge the duties to the post in accordance with law and if any arrear of salary is to be paid to the first petitioner, the same shall be paid within a period of three months from today. Action taken in the matter be placed on record by the respondents positively on 21.05.2017.

Petition stands disposed of.

February 21, 2017
Divyanshi

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No