

Sr. No.215

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

CWP No.15228 of 2016 (O&M)

Date of Decision: 31.05.2019

Naresh Kumar and others

... Petitioner

Versus

Municipal Corporation and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ashok Sharma Nabhewala, Advocate,
for the petitioner.

Ms. Riya Sharma, Advocate for
Mr. Vikas Bali, Advocate,
for respondents No.1 to 5.

Mr. Pankaj Jain, Advocate,
for respondent No.6-Chandigarh Administration.

ARUN MONGA, J.(ORAL)

The pointed stand taken by the petitioner as reflected from para 11 of the writ petition is that Municipal Corporation, Chandigarh vide its order dated 31.03.2015 has extended the benefit of certain allowances viz City Compensatory Allowance, Bicycle Allowance, House Rent Allowance, Medical Facilities and certain other benefits (as approved by U.T. Administration) w.e.f. 01.04.2015 to its daily wagers/Safai Karamcharies working with Medical Officer, Health, Municipal Corporation, Chandigarh.

2. In the return filed by the Municipal Corporation, Chandigarh, the following stand has been taken:-

“That the contents of para No.11 of the writ

petition are admitted and it is necessary to say that the benefit of HRA/CCA/Bicycle Allowances and other allowances are given to the Daily wage Safai Karamchari appointed on compassionate ground (between the year 2001 to 2009) by the Medical Officer, Health, (MOH), M.C., Chandigarh.”

3. Conceded position, therefore, which emerges is that Municipal Corporation, Chandigarh has no objection to the claim of the petitioners. However, learned counsel for U.T. Administration has drawn my attention to the Administrative decision taken by the Special Secretary, Finance of the Chandigarh Administration vide Annexure R-3/1 wherein he has opined that it is for the Municipal Corporation, Chandigarh to take a policy decision to grant the benefits to its daily wage employees who have been appointed after the year 1992.

4. A perusal of R-3/1 viz-a-viz stand taken by the Municipal Corporation, Chandigarh reflects that there is a ping-pong match going on between the U.T. Administration and Municipal Corporation, Chandigarh. Owing to the inter-se red-tapism adopted by them, decision has not been taken till date despite the conceded position as stated above.

5. In the premise, writ petition is disposed of with a direction to Municipal Corporation, Chandigarh to take a policy decision with regard to the conferring the benefits keeping in mind the stand taken by them in terms of the para 11 of the para wise reply to its written statement filed before this Court.

6. Let the needful be done within a period of two months from the date of receipt of a certified copy of this order.

7. Disposed of accordingly.

31.05.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No