

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3597-2017 (O&M)
Date of Decision: 24.1.2020

Parmila Devi & another

--Petitioners

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Arora, Advocate for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. M.S. Viridi, Advocate for respondent no.4.

TEJINDER SINGH DHINDSA.J (Oral)

As per pleadings on record, Sh. Ashwani Kumar son of Sh. Ram Parshad was serving on the post of Mali under the Municipal Council, Khanna, District Ludhiana on regular basis. Ashwani Kumar died in harness on 17.11.2013.

Instant petition is at the hands of the widow (petitioner no.1) and son (petitioner no.2) staking a claim for appointment on compassionate basis.

Counsel submits that petitioner no.1 has already submitted an application clarifying that the benefit of compassionate appointment be granted to her son namely Mintu Kumar i.e. petitioner no.2. It is further submitted that an application seeking compassionate appointment already stands dealt with and a resolution/decision was taken by the respondent-Council to grant compassionate appointment.

Upon notice of motion having been issued, a reply on behalf of the Department of Local Govt., Punjab has been filed taking a stand that the

Class-IV post on which appointment on compassionate basis is to be

considered would be a non-provincialised post. Under Section 39 of Punjab Municipal Act, 1911, the appointing and punishing authority in the instant case would be Municipal Council, Khanna and as such, it is the Municipal Council, Khanna which is fully competent to decide the claim for compassionate appointment of a Class-IV post. State further took notice of the fact that the Municipal Council vide Resolution No.16/214 dated 20.10.2014 (Annexure P-7) has already approved the appointment of petitioner no.2 on compassionate ground. Averment to such effect is carried in para 2 of the preliminary submissions of the reply filed on behalf of respondents no.1 and 2.

Counsel representing respondent no.4 has not opposed the claim and very fairly stated that an appointment letter in favour of petitioner no.2 on compassionate basis and on a Class-IV post would be issued within a period of four months.

Statement of counsel for respondent no.4 is accepted.

In view of the above, there would be no need to adjudicate on the claim of the petitioners seeking compassionate appointment on merits.

Since the only breadwinner namely Ashwani Kumar died in harness way back in the year 2013 and the resolution of the respondent Council recommending the case of petitioner no.2 for compassionate appointment was passed on 20.10.2014, instant petition is disposed of with a direction to respondent no.4 to issue appointment letter in favour of petitioner no.2 on a suitable Class-IV post within a period of 10 weeks from the date of receipt of a certified copy of this order.

Disposed of.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.1.2020

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