

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19926-2023 (O&M)

Date of decision: 21.09.2023

Jasveer Kaur

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Jaspreet Kaur, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

CM-16050-CWP-2023

This is an application under Section 151 CPC for placing on record the Policy regarding compassionate appointments issued by the Government of Punjab as Annexure P-9 and Rules issued by the Department of Corporation, Government of Punjab as Annexure P-10.

For the reasons mentioned in the application, same is allowed and Annexures P-9 and P-10 are taken on record, subject to all just exceptions.

CWP-19926-2023

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to allow the petitioner to join the respondent-Society on compassionate ground, being eligible to serve in the respondent-Society after the death of her husband, considering the financial condition, factual position of the family.

Learned counsel for the petitioner contends that on dated 30.05.2011, the husband of the petitioner namely, Sandeep Khan son of Harbans Singh @ Harbans Khan joined the services of respondents-Society as Peon-cum-Watchman (Sewadaar-cum-Chowkidar) on compassionate ground, after the death of father-in-law of the petitioner, by passing a resolution dated 30.05.2011 (Annexure P-1) by the said society. Vide letter/notice dated 29.09.2016 (Annexure P-2), the husband of the petitioner was regularized on the said post and started getting salary on regular basis. On dated 25.09.2018 the husband of the petitioner died after serving for more than 7 years in the said society. After the death of the husband of the petitioner, the petitioner approached to the respondents for the appointment on compassionate grounds, being eligible to serve the society. Vide letter dated 07.01.2022, the recommendations were sent by the respondent No.4 to respondent No.2 through proper channel that the petitioner will be given priority for the next appointment held in the society, however, till date such recommendation has not been taken into effect. Learned counsel further contends that the petitioner has served a legal notice dated 27.07.2023 (Annexure P-6) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1,2,4 to 6 and submits that the respondent No.2 is the competent authority to decide the legal notice.

In view of the pleadings in the present petition, without expressing

the legal notice dated 27.07.2023 (Annexure P-6), respondent No.2 is directed to decide the legal notice in accordance with law, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

21.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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