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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23711-2022 (O&M)
Date of Decision: 20.01.2023

Sumir

.. Petitioner

Vs.

Municipal Corporation, Chandigarh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vijay Lath, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ of Certiorari for quashing the order dated 28.09.2021 (Annexure P-13) passed by Commissioner-Municipal Corporation, Chandigarh (respondent No.1), whereby his claim for appointment on compassionate ground was neither clearly rejected nor accepted.

Learned counsel has argued that the petitioner's father, namely, Jagan @ Jagan Nath was appointed as Safai Karamchari by Municipal Corporation, Chandigarh on 20.06.2005 on contract basis, but subsequently in the year 2007, his services were regularized. He submits that his father died on 13.07.2019 while he was in service and thereafter, the petitioner applied for compassionate appointment and submitted the application by completing all the formalities including the affidavits of his mother, namely, Surjit wd/o Jagan @ Jagan Nath and elder brother Sudhir s/o late Jagan @ Jagan Nath, but the same was not being considered, therefore, he

approached this Court through CWP-1040 of 2021, wherein this Court issued direction to respondent No.1 to pass a speaking order on petitioner's representation within a period of three months. He submits that the case of the petitioner has been considered, but through the impugned order dated 28.09.2021, neither his case has been rejected nor any appointment has been offered to the petitioner. According to him, the impugned order deserves to be set aside and a writ of mandamus be issued directing the respondents to appoint the petitioner on compassionate ground.

During the course of hearing, it is not disputed by learned counsel that when he lost his father, he was 39 years old and his elder brother was 41 years old, who is privately employed as a Sweeper. Learned counsel fairly states that presently, the petitioner is also working as Safai Karamchari with the respondent-Corporation, but his engagement is through an outsource contractor.

After hearing the learned counsel and considering the material on record, particularly the impugned order, this Court finds that the Corporation took a decision in its meeting dated 24.08.2018 and resolved that only the dependants of deceased Safari Karamcharis be appointed through outsourcing on seniority basis against vacant posts until that list is exhausted. Considering that the petitioner is already working through an outsourced agency w.e.f. 01.01.2020, the respondent No.1 observed that the petitioner's application can be considered for appointment on compassionate ground only as per his turn/seniority list, availability of post and his educational qualification.

Thus, it is apparent that neither there is any immediate urgency to appoint the petitioner nor his claim has been rejected, therefore, at this

stage, this Court is not inclined to exercise the extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

20.01.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No