

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.911 of 2021

Smt. Sammala Chakma
W/O Late Robi Chandra Chakma
Resident of Vill-Bhanu Para,
P.O. Gomati Project, P.S. Natun Bazar
District-Gomati, Tripura

....Petitioner(s)

Versus

- 1. The Chairman.**
Tripura Gramin Bank
Head Office-Abhoynagar,
P.O. Abhoynagar, P.S. East Agartala,
District-West Tripura.
- 2. The General Manager,**
Tripura Gramin Bank
Head Office-Abhoynagar,
P.O. Abhoynagar, P.S. East Agartala,
District-West Tripura.
- 3. The Branch Manager,**
Tripura Gramin Bank,
Karbook & Ultra Small Branch, P.O. Karbook
P.S. Karbook, District-Gomati, Tripura

....Respondent(s)

For the Petitioner(s) : Mr. A.K. Pal, Advocate

For the Respondent(s) : Mr. A.Roy Barman, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

24/04/2023

Heard Mr. A.K. Pal, learned counsel appearing for the petitioner.
Also heard Mr. A. Roy Barman, learned counsel appearing for the
respondents-Bank.

2. The case of the petitioner is that her husband was a regular employee under the respondents-Bank and during his service he died in-harness. After the death of her husband she submitted an application for compassionate appointment. The competent authorities of the Gramin Bank had engaged her as Daily Rated Worker w.e.f. 21.08.2017, as per the record of the Bank which was placed by Mr. Roy Barman, learned counsel for the respondents-Bank. The said fact is also stated in the counter affidavit filed by the respondents-Bank.

3. The petitioner submitted repeated representations to the competent authorities to regularize her service, but, that was not considered by the Bank. In the year 2021, the petitioner came to know that the Tripura Gramin Bank had introduced a scheme for compassionate appointment w.e.f. 28.02.2019. According to the petitioner, she is covered by that scheme and her service as Daily Rated Worker may be regularized under the said scheme for compassionate appointment.

4. Mr. Pal, learned counsel for the petitioner has submitted that the petitioner has been passing her days with acute hardship for the reason that the meager amount she has been receiving at present is impossible for her to maintain the family since she is having one minor son and one minor daughter. Mr. Pal, learned counsel has pressed into service a decision of the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy vs. State of Orissa & Ors.* arising out of Civil Appeal No.4103 of 2022, which was disposed of vide judgment and order dated May 20,2022.

5. Mr. Roy Barman, learned counsel has resisted the submissions of the learned counsel for the petitioner in respect of the fact that when the petitioner was engaged as Daily Rated Worker on compassionate ground there was no scheme for compassionate appointment at all. However, the competent authorities of the Bank had considered her case

sympathetically and engaged her as Daily Rated Worker to overcome her hardship she was facing due to untimely death of her husband.

6. Mr. Roy Barman, learned counsel has further submitted that all service benefits her deceased husband was entitled to had been provided to her. Vehemently opposing the prayer of the petitioner, Mr. Roy Barman, learned counsel has submitted that if the prayer of the petitioner for regularization of her service is allowed, then, it will amount to opening of floodgate of cases because before the date of introduction of the compassionate appointment scheme there were many employees of the Bank who died during their service period. Furthermore, according to learned counsel for the respondents-Bank, the Tripura Gramin Bank, being a rural bank is under serious financial constraints.

7. I have considered the rival submissions advanced by learned counsel appearing for the parties. Admittedly, in absence of any scheme for compassionate appointment, the respondents-Bank had considered the application of the petitioner for compassionate appointment and engaged her as Daily Rated Worker taking into account the hardship the petitioner would have to face due to untimely death of her husband. However, the respondents-Bank considered it expedient to formulate a scheme for compassionate appointment and for that purpose they introduced the scheme for compassionate appointment to provide a suitable job to a dependent family member of a permanent employee of a Bank who dies in-harness while in service.

8. Undoubtedly, the appointment of the petitioner as Daily Rated Worker was a compassionate appointment due to the death of her husband while he was in service. Since there was no scheme, the petitioner could not be appointed on regular basis. It is also a grievance of the petitioner that the petitioner has been discharging her duties as Daily Rated Worker under the respondents for the last 5(five) years and in the meantime, the scheme for compassionate appointment has been

introduced by the Bank giving its effect from 28.02.2019. It is a social welfare scheme brought into force to provide job in a circumstance when the family of the deceased needs immediate financial assistance.

9. In view of this, considering the nature of the scheme and the condition of the family members of the deceased employee, I direct the respondents to consider the regularization of the petitioner since before the introduction of the scheme itself the competent authorities of the Bank had realized the hardship of the petitioner and out of sympathy she was provided with a job whatever be the nature of the service.

10. This Court hopes and trusts that the respondents-Bank shall take up the matter sympathetically. It is made clear that this order will not be a precedent to consider the cases of similar nature.

11. It is further made clear that in the event of regularization of her service, the petitioner will not be entitled to any arrears or any financial benefits for the period she served as Daily Rated Worker. Her regular service, if her case is at all considered, will be counted from the date of the order of regularization, which may be issued by the competent authorities of the Bank.

Accordingly, the instant writ petition stands disposed in the above terms.

JUDGE

Snigdha