

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 1153 of 2021

Sunny Kumar

....Petitioner

Versus

Regional Manager Bank of
Baroda Regional Office and Others

....Respondents

Presence:-

Mr. Tapan Singh, learned counsel for the petitioner.

Mr. Siddharth Jain, learned counsel for the respondents.

Hon'ble Pankaj Purohit, J. (Oral)

The petitioner is before this Court challenging the order dated 30.07.2021 issued by respondent no.2 (Annexure No.5), whereby, his application for compassionate appointment was rejected.

2. The facts of the case shorn off unnecessary details are that the father of the petitioner was Late Shri Rajan was posted as Class-IV regular employee with respondent-Bank, who died still in his service on 10.06.2019 leaving behind the petitioner-Sunny Kumar, elder son-Sanjay Kumar, daughter- Priyanka and widow- Kamlesh.

3. The petitioner applied for compassionate appointment by moving an application dated 06.07.2019 to the Competent Authority in the Bank. The rest legal heirs of the family had given their no objection to the claim of the compassionate appointment raised by the petitioner.

4. The respondent-Bank vide impugned order (Annexure No.5) has rejected the claim of the petitioner for compassionate appointment giving the reasons that ***Sanjay Kumar, elder son of the deceased, is already gainfully employed and the petitioner-Sunny Kumar***

was also engaged as Business Facilitator during the time of death of his father-Late Mr. Rajan and the financial condition of the family is not proven to be indigent.

5. Learned counsel for the petitioner assailed the impugned rejection order dated 30.07.2021 on the ground that the said reasons does not exist and would not help to the Bank for rejecting the claim of the petitioner for compassionate appointment for the reason that the family of the deceased Bank employee is very poor and fall within the category of 'indigent' as per the Rules of the respondents-Bank. So far as the reason of service of petitioner's elder brother Mr. Sanjay Kumar is concerned, the said fact is admitted that he is posted in Uttarakhand Police as Constable. But, it is strenuously denied that the petitioner working as a Business Facilitator, was earning a handsome amount. As according to him, he was admittedly working with the respondent-Bank as a Business Facilitator and earned a very meagre amount of Rs.375/- per loan given to the Bank, out of which Rs.125/- was paid as a first instalment and rest Rs.250/- were to be paid later on.

6. It is submitted by learned counsel for the petitioner that for such meagre amount, it cannot be said that the petitioner and his family is well off and on that ground they are not entitled to get compassionate appointment.

7. It is further strenuously argued by learned counsel for the petitioner that before the death of petitioner's father; petitioner, his mother (widow) and his unmarried daughter (who subsequently married) were

dependent on the deceased-Bank employee and after his death, they have been facing acute financial hardship.

8. It is further argued by learned counsel for the petitioner that so far as the service of petitioner's elder brother is concerned, he is married and he live alongwith his family in Champawat. He has two children-one son (14 years) and one daughter (6 years) and has taken a loan of Rs.7,00,000/- for treatment of his son from Bank of Baroda, Kelakhera, Gadarpur. He has his own liabilities and responsibilities.

9. Per contra, learned counsel for the respondents-Bank has drawn the attention of this Court to the Scheme for Compassionate Appointment in Public Sector Bank and strenuously submitted that the dependent who, as per the Scheme, are entitled to get compassionate appointment, though includes son, but the son must be wholly dependent on the deceased-Bank employee.

10. It is further submitted by learned counsel for the respondents-Bank that after the death of the deceased-Bank employee, the pension was sanctioned in favour of the wife of the deceased and terminal benefits were given to the family i.e. Rs.10,55,000/-, which is the retiral benefits of the deceased-Bank employee.

11. Having considered the rival contentions of the parties and after perusal of the Scheme as well as the impugned order and the material annexed alongwith the writ petition and from the totality of the facts, it cannot be said that the petitioner is not indigent. By merely working as a Business Facilitator in the respondents' Bank and earning Rs.375/- per loan, it cannot be said that his

financial condition was good enough to sustain himself and he was not dependent upon his deceased father.

12. So far as the argument of learned counsel for the respondents' Bank is concerned that Rs.10,55,000/- was given to the family after the death of the deceased-Bank employee, this Court is of the opinion that this amount pertains to the retiral dues of the deceased-Bank employee and by giving said amount, it cannot absolve the Bank from liability to provide compassionate appointment to the family member of the deceased-Bank employee. The Scheme enacted for compassionate appointment in Bank is made for the purpose of providing such an appointment to the persons who are bereaved by sudden demise of the bread earners.

13. The reasons which have been assigned by the respondents-Bank, while rejecting the claim of the petitioner for compassionate appointment, is thus not good enough to deprive the petitioner of the compassionate appointment. The same appears to be far-fetched and just to defeat the claim of the petitioner.

14. In this view of the matter, writ petition stands allowed. The impugned order dated 30.07.2021 issued by respondent no.2 (Annexure No.5) is hereby quashed. The respondents are directed by issuance of a writ of mandamus commanding them to immediately give compassionate appointment to the petitioner within a period of eight weeks' from today as per his qualification and suitability.

15. No order as to costs.

(Pankaj Purohit, J.)
20.12.2023