



Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA. No. 10 of 2025

Date of Decision :09.06.2026

Shri. Bidyut Das,
S/o (L) Rajendra Chandra Das,
And (L) Lakshmi Das,
C/o Smti. Chinky Nongbet,
Quarter No. G 48,
Raj Bhawan Complex,
Shillong-793001
Meghalaya.

...Appellant

-Versus-

1. The Union of India
Represented by the Ministry of
Finance Government of India.
2. The Vijaya Bank,
A body corporate constituted under
Banking Companies (Acquisitions and Transfer
of Undertakings) Act, 1970 (Act V of 1970)
having its Head Office at No. 41/2,
M. G. Road, Bangalore - 560001, Karnataka
now merged with the Bank of Baroda;
Through the Branch Manager, Bank of Baroda,
Shillong Police Bazar Branch,
Shillong-793001, Meghalaya.
3. The Chief Manager (HRD) Vijaya Bank,
Head Office, No. 41/2 M. G. Road,
Bangalore - 560001.
Through the Branch Manager, Bank of Baroda,
Shillong Police Bazar Branch, Shillong - 793001,
Meghalaya.



4. The General Manager Personal, Vijaya Bank,
Head Office, No. 41/2 M. G. Road,
Bangalore - 560001.
Through the Branch Manager, Bank of Baroda,
Shillong Police Bazar Branch, Shillong- 793001,
Meghalaya.
5. The Deputy General Manager, Vijaya Bank,
Head Office, No. 41/2 M. G. Road,
Bangalore 560001, Through the Branch Manager,
Bank of Baroda, Shillong Police Bazar Branch,
Shillong - 793001, Meghalaya.
6. The Assistant General Manager, Vijaya Bank,
Head Office, No. 41/2 M. G. Road, Bangalore 560001.
Through the Branch Manager, Bank of Baroda,
Shillong Police Bazar Branch, Shillong - 793001,
Meghalaya.
7. The Branch Manager, Vijaya Bank,
G. S. Road Branch, Jail Road, Shillong,
East Khasi Hills District, Meghalaya - 793001.
Through the Branch Manager, Bank of Baroda,
Shillong Police Bazar Branch, Shillong- 793001,
Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Hon'ble Mr. Justice B.Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S.C.Chakrawarty, Sr. Adv. with
Mr. E.Laloo, Adv.

For the Respondent(s) : Mr. B.P.Borah, Adv.
Mr. S.Deb, Adv.



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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

Per. H.S.Thangkhiew, Judge:

JUDGMENT AND ORDER (ORAL)

1. The instant writ appeal has been preferred against the judgment and order dated 01-04-2024, passed by the learned Single Judge in WP(C). No. 102 of 2018. The brief facts are that the writ petition was initially filed by the deceased mother of the writ appellant and on her demise, was substituted by the writ appellant. The prayer in the writ petition by the mother of the writ appellant was for granting her claim for ex-gratia monetary relief, in lieu of compassionate appointment upon the death of her husband and the father of the writ appellant, one Late Rajendra Chandra Das, which had been rejected by the respondent No.5 vide letter dated 08-03-2013. Prior to this round of litigation, the mother of the writ appellant had earlier filed a writ petition before the jurisdictional High Court i.e., Gauhati High Court, Shillong Bench being WP(C). No. 110 (SH) of 2012, which was disposed of by directing the respondents to determine afresh the family income of the mother of the writ appellant by excluding the income of her non-dependent son.



2. The learned Single Judge by the impugned order, had gone into the details with regard to the issues that had arisen for consideration which revolves around the determination as to whether the monthly income from all sources of the writ appellant's mother (original writ petitioner) would exceed 60% of the last pay drawn of the deceased employee to render her ineligible for ex-gratia compensation as per the "*Revised Scheme for Payment of Ex-Gratia Amount in lieu of Appointment on Compassionate Grounds and Appointment of Dependents of deceased Employees on Compassionate Grounds*". The said scheme at Chapter II at clause 2.0 reads as follows:

"2.0. ELIGIBILITY CRITERIA

Dependents whose monthly income from all sources is less than 60% of the last drawn gross salary (Net of taxes) of the employee are eligible to receive ex-gratia amount under the scheme..."

3. The learned Single Judge by the impugned order, then came to the finding that the contention raised by the petitioner that as on the date when the deceased employee died, the total income of the original petitioner was below the 60% mark as she was yet to receive the monthly family pension from the Bank could not be accepted, inasmuch as, the deceased employee had died in harness and on his death, the original petitioner would be entitled to such family pension and therefore, the calculation which



included the monthly pension from the Bank, as well as from the Defence could not be faulted. It was further held that since the total monthly income of the original petitioner was ₹ 6371.00 and the gross amount of the last drawn salary of the deceased employee was ₹ 6661.79 paise, the monthly income of the petitioner exceeding 60% of the last drawn salary of the deceased employee, she was not entitled to receive any sum as ex-gratia payment.

4. The main ground on which the order of the Single Judge has been challenged is that he had failed to notice that as on the date of demise of the deceased employee i.e., 09-12-2001, the writ petitioner was not drawing any amount as pension from the respondent Bank or from the Defence Ministry, and as such, had erred in taking into account these incomes, in coming to a finding that the income of the original writ petitioner exceeded 60% of the last pay drawn of the deceased employee.

5. Mr. S.C.Chakrawarty, learned Sr. counsel assisted by Mr. E.Laloo, learned counsel on behalf of the appellant has submitted that it is amply clear that the income was to be reckoned as on the date of demise of the deceased employee which was 09-12-2001, and apart from the date of demise, no other date has been specified for determining the family income of the dependents. The additional affidavit filed by the respondent Bank, it is contended dated 16-11-2021, was not the income of the original writ



petitioner as on the date of demise of the deceased employee, and as such, no rejoinder was filed to the averments made therein. The original writ petitioner, it is further contended, having received the pension w.e.f., 10-12-2001, which is after the date of demise of the employee on 09-12-2001, the learned Single Judge erred in concluding that the writ petitioner would be entitled to the arrears of family pension for the period prior to 10-12-2001. Learned Sr. counsel concludes his arguments by praying for directions that the respondents calculate the monthly income of the writ petitioner as on 09-12-2001, i.e. the date of demise of the deceased employee, without including the pensions received from the Bank or from the Defence authorities, and further, to settle the claim of the writ petitioner forthwith.

6. Mr. B.P.Borah, learned counsel for the respondent in reply has submitted that the basic ground of challenge in the earlier writ petition i.e. WP(C) No. 110 of 2012, was that the income of non-dependent child namely, Bidyut Das was also calculated, whereby the total computation exceeded 60% of the last pay drawn and that it was on this premise that the High Court by order dated 03-08-2012, directed re-determination of the income of the family by excluding Bidyut Das, the present writ petitioner/appellant. It is further submitted that while re-determining the income of the family from all sources, it was found that the family was in



receipt of another pension from the Defence which was suppressed by the petitioner in the earlier application and also in the application for issuance of Income Certificate. It was on this consideration that the prayer for ex-gratia payment was rejected primarily on the ground that the income exceeded 60% of the last pay drawn of the deceased employee vide the order dated 08-03-2013.

7. The learned counsel then submits that the order dated 08-03-2013, was put to challenge only in 2018, after five years where during the pendency, the original claimant expired. However, he submits, the present petitioner/appellant who earlier claimed to be a non-dependent substituted himself and contested the matter whereafter, the writ petition came to be dismissed by the learned Single Judge by the order dated 01-04-2024. The learned counsel submits that all questions raised before the learned Single Judge have been dealt with, especially the computation in calculating 60% of the total income of the dependent, and therefore, the ground of appeal is unsustainable in law. It is also submitted that the present writ petition was based on the ground taken in WP(C) No. 110 of 2012, wherein the writ appellant herein was considered a non-dependent, which however, is a situation that does not exist presently, inasmuch as, the present petitioner/appellant is the same person and cannot claim himself to be a dependent. He lastly submitted that the objective of the scheme being for



giving relief to a family to tide over sudden financial crisis on the death of an employee, the deceased employee in the instant case having died as far back as on 09-12-2001, the first writ petition being filed in 2012, the rejection of the claim made on 08-03-2013 and a challenge thereto made only in 2018, it is clear that there was no urgency or need of ex-gratia payment. He therefore, prays that the writ appeal be dismissed.

8. This Court on hearing the parties and on a perusal of the impugned order passed by the learned Single Judge, firstly notes that the rationale behind such schemes is to provide prompt financial assistance to help families of deceased employees who have died in harness, so that they may not be rendered destitute. In such cases therefore, immediacy of a situation is the most relevant factor and the longer the delay or the efflux of time, the same would dilute any claim for compassionate appointment. In the instant case, as observed and seen above, the deceased employee had expired as far back as on 09-12-2001, and in the considered view of this Court, an objective assessment of the income of the dependent (original writ petitioner) had been conducted whereby it was found that the income exceeded 60% of the last pay drawn by the deceased employee. The other point raised in the appeal has failed to convince this Court that the learned Single Judge had erred in any manner while deciding the writ petition. In



this context, it would be apposite to reproduce hereinbelow para 21, 23 and 24 of the order dated 01-04-2024.

“21. From the pleadings of the parties, the fact that the last drawn salary of the deceased employee (husband of the original petitioner) was ₹ 6661.79p and also the fact that the monthly income of the petitioner from all sources was ₹ 6371.00 has not been disputed by the petitioner as the above details have been brought on record by the respondent bank in the additional affidavit filed on 16.11.2021. A rejoinder to the same not having been filed by the petitioner.

23. The contention of the learned Sr. counsel for the petitioner that as on the date when the deceased employee died, the total income of the original petitioner was below the 60% mark as she has not received any monthly pension from the bank due to her deceased husband cannot be accepted as it is evident that since the deceased employee died in harness, on his death, his family or rather the original petitioner would be entitled to such monthly family pension, even if the same is given at a later date, she would still be entitled to the arrears thereof. The calculation which included the monthly pension from the bank as well as from the defence services cannot be faulted.

24. Again, as indicated hereinabove, since the total monthly income of the original deceased petitioner was ₹ 6371.00 and the gross amount of the last drawn salary of the deceased employee was ₹ 6661.79p, therefore, the monthly income of the petitioner being higher than 60% of the last drawn salary of the deceased employee, she was not eligible to



receive any sum of money as ex-gratia payment from the respondent bank.”

9. A perusal of the above quoted paragraphs would show that there is no error in the findings, and as such, in these circumstances, the order of the learned Single Judge is upheld and the writ appeal dismissed.

(B.Bhattacharjee)
Judge

(H.S.Thangkhiew)
Judge