

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.44 of 2015

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Amarjeet Paswan S/o Late Sudama Paswan Resident of Bishanpur, P.O. -
Rampur, P.S. - Shivnarayanpur (Kahalgaon), District - Bhagalpur.

.... Petitioner/s

Versus

1. The Chief Manager Union Bank of India, Anchalik Office, Kolkatta.
2. The General Manager, Union Bank of India, Nodal Regional Office, Patna.
3. The Deputy General Manager, Union Bank of India, Nodal Regional Office, Patna.
4. The Branch Manager, Union Bank of India, Munger Branch, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Adv

For the Respondent/s : Mr. Ajay Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

6 12-03-2015 Heard learned counsel for the parties as with
regard to the following relief prayed in this writ
application:-

“Issuance of an appropriate order/direction including writ in the nature of a writ of Mandamus commanding the respondents to issue appointment letter to the petitioner on compassionate ground as his father, Sudama Paswan who died in harness under the respondent Bank, while working to the post of Part Time Sweeper (Stipend) over on 16.10.2011.”

2. Learned counsel for the petitioner has submitted that the father of the petitioner who was working as a part time Sweeper in the Munger branch of Union of India has had died on 16.10.2011, but the



appointment of the petitioner on compassionate ground has not yet been considered much less made though the petitioner is fully entitled for appointment on compassionate ground.

3. In this case, a counter affidavit has been filed, wherein, it has been explained that the mother of the petitioner in fact had been paid the amount of ex gratia in lieu of appointment on compassionate ground as per the policy existing at the time of death of the father of the petitioner. In fact the mother of the petitioner had given a clear undertaking that after receiving the amount of ex gratia she will not be claiming appointment on compassionate ground.

4. Once this fact is admitted, inasmuch as, there is no rejoinder to the counter affidavit filed by the petitioner despite service of copy of the same on 23.02.2015, the inescapable position in law would be that the petitioner cannot be appointed on compassionate ground because her mother had already received the

amount of ex gratia.

5. Let it be noted that in the Banks the policy for appointment on compassionate ground had changed, wherein, the appointment on compassionate ground was virtually stopped and was sought to be replaced by payment of ex gratia. Thus, when in the relevant period the amount of ex gratia was already made to the mother of the petitioner, there would be now no question to consider the case of the petitioner on compassionate ground. The family has been given means of sustenance by way of ex gratia amount and the purpose of compassionate appointment, therefore, has been fulfilled.

6. That being so, this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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