

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23796 of 2012

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Hemlata Widow Of Late Jagdish Prasad Rajgrihar Resident Of Mohalla-
Rambhadra (Ramchaura) Nichali Road, Near Kali Mandir , P.O- Hajipur,
P.S- Hajipur Town, District- Vaishali.

.... Petitioner/s

Versus

1. Allahabad Bank Through Its Chairman- Cum- Managing Director, Head Quarter 2, Netaji Subhash Road, Kolkata.
2. Chairman- Cum- Managing Director, Head Quarter, 2 Netaji Subhash Road, Kolkata.
3. General Manager P(Per. & Admn.), Allahabad Bank Head Quarter, 2 Netaji Subhash Road, Kolkata.
4. Deputy General Manager, Allahabad Bank, Zonal Office, Muzaffarpur.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 24-06-2015 Heard learned counsel for the parties as with

regard to the following relief prayed in this writ

application:-

"For direction upon the Respondents for
issuance of an appropriate order of
compassionate appointment as the Respondents
after conducting the interview having found fit
the petitioner for compassionate appointment
has got all the forms filled up but has not issued
the appointment letter to the petitioner without
any valid reason."

Having regard to the fact that there is complete

change in the scheme of compassionate appointment in

the Bank as per the decision of the Government of India,

this court would not find any error in not providing compassionate appointment to the petitioner, specially when the two cases of discrimination cited by the petitioner has been properly explained in paragraph no. 13 of the counter affidavit, which reads as follows:-

“That in reply to the statements made in Paragraphs- 17 & 18 of the Writ petition under reply, it is respectfully submitted that the statements made in Paragraph Nos. 17 & 18 are incorrect and as such denied. As far as appointments of Smt. Preeti Pandey and Smt. Bandana Sinha are concerned, it is humbly submitted that Late Rakesh Kumar Pandey, Ex-Manager, Dewaria branch, who was the husband of the said Smt. Preeti Pandey was fatally injured by bullet shot while making attempt to counter the dacoits looting the Bank's money during robbery in the Branch on 14/01/2004, later on 27/01/2004, the said husband of Smt. Preeti Pandey succumbed to his injuries. Similarly, late Shiveshwar Prasad, Ex-Senior Manager (Planning and Development) Zonal Office, Ranchi, husband of Smt. Bandana Sinha, started from Ranchi to Hazaribagh on official duty on 23/02/2004 at 2:00 P.M. He was last seen at about 05:30 P.M. at Hazaribagh Bus Terminus and went missing from there. Later on in the morning of 27/02/2004, the decomposed body of the said Late Shiveshwar Prasad was found floating in the Hazaribagh Jheel. The post mortem report assigned the cause of death to “asphyxia as a result of smothering (closed trachea and mouth)”. Both Late Rakesh Kumar Pandey and Late Shiveshwar Prasad died while performing official duty as a result of robbery & violence respectively. In the circumstances, the appointments given to Smt. Preeti Pandey & Smt. Bandana Sinha were as per the Government guidelines in this regard.”

In that view of the matter, since the death of the husband of the petitioner had taken place not in course of official duty pertaining to Bank, the case of the petitioner is clearly distinguishable.



At this stage, Mr. Naresh Chandra Verma, learned counsel for the petitioner has submitted that since the petitioner was already subjected to interview for appointment on compassionate ground and was hoping that she would get appointment on compassionate ground, she had not accepted the amount of ex gratia offered to her under the changed policy of compassionate appointment and therefore her refusal to accept the amount of ex gratia in February-2006, should not at least weigh, in getting now the amount of ex gratia with interest, at least at the lending rate at which the bank lends money to its customers.

This Court having taking into account all the material circumstances, would find that the widow petitioner had a genuine reason to refuse the amount of ex gratia, because in the same period others were provided compassionate appointment while the case of the petitioner was kept pending and was never rejected. As a matter of fact, the offer of ex gratia while rejecting the case of the petitioner for compassionate appointment



was made at a point of time when an interview that her appointment on compassionate ground had already been held which had given her legitimate expectation for being appointed in the service of the Bank. The matter thereafter has remained pending till date and therefore, considering all the aspects of the matter, this Court is not inclined to grant interest at the lending rate of the bank but then since bank has still the amount of ex gratia in its custody, which was offered to the petitioner in February 2006 and was not accepted by her, this Court in the interest of justice would direct the authorities of the Bank to pay the amount of ex gratia with interest at the saving bank account interest rate from the date of February-2006, till the date of its payment within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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