

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7982 of 2014

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Most. Sita Devi wife of late Harendra Sah, resident of Village Jafarabad,
P.O.-P.S. Desari Dist Vaishali

.... Petitioner/s

Versus

1. The Chief General Manager L.H.O. State Bank of India, Patna
2. The Assistant General Manager, S.B.I., Chappra
3. The Chief Manager, S.B.I. Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv
For the SBI : Mr. Anjani Kumar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-02-2015 Heard learned counsel for the parties as with

regard to the relief sought in paragraph no. 1 of the writ

petition which reads as follows:-

"That to present writ application is for
issuance of writ in the nature of writ of
Mandamus directing the respondents to make
appointment to the petitioner on the
compassionate ground in place of her husband
Harendra Sah, MESSENGER who died on
24.2.2009 while in service, on amongst the
following grounds.

(i) Because the Husband of the petitioner
died while he was in service.

(ii) Because the petitioner applied along

with the requisite documents for his appointment on the compassionate ground in place of her husband.

(iii) Because the petitioner has got 6 children in which 2 married daughter, two minor daughter and two minor sons and therefore appointment of the petitioner should have been done immediately.

(iv) Because action of Respondents are arbitrary, malafide and against the law."

Having regard to the fact that the petitioner's claim for compassionate appointment is sought to be opposed by learned counsel for the State Bank of India by stating that the very policy of compassionate appointment in the State Bank of India has been withdrawn w.e.f., 04.08.2005, and has been substituted by a scheme of ex gratia payment as explained in Annexure-A to the counter affidavit relevant portion whereof reads as follows:-

"With effect from the date the "SBI Scheme for payment of Ex-gratia Lumpsum Amount" comes into force the Bank's scheme

of compassionate appointments shall be deemed abolished/withdrawn and no request for compassionate appointment shall be entertained or considered by the Bank under any circumstance."

this Court would not find any reason to issue any direction to the authorities of the State Bank of India to appoint the petitioner on compassionate ground but then it is made clear that if the ex gratia amount of the petitioner has not been paid as yet regarding which there is no averment either in the writ petition or in the counter affidavit, the same if found payable under the policy and not paid as yet, must be paid to the petitioner 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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