# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.891 of 2013**

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1. Pramila Devi Widow Of Late Sukhdeo Poddar Presently Residing At East Mithla Colony, Bataganj, Police Station- Digha, District- Patna

.... .... Petitioner/s

Versus

1. Madhya Bihar Gramin Bank, Meena Plaza, South Of Museum, Police Station- Kotwali, District- Patna Through Its Chairman Madhya Bihar Gramin Bank, Meena Plaza, South Of Museum, Police Station Kotwali, District- Patna
2. The General Manager Madhya Bihar Gramin Bank, Meena Plaza, South Of Museum, Police Station Kotwali, District- Patna
3. The Regional Manager Madhya Bihar Gramin Bank, Ramanuj Bhawan, 371-A, Anugrahpuri Colony, Gaya- 823001
4. The Senior Manager Madhya Bihar Gramin Bank, Ramanuj Bhawan, 371-A, Anugrahpuri Colony, Gaya- 823001

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar Sinha -2

For the Respondent/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr Ved Prakash Srivastava

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL JUDGMENT

**Date: 24-08-2015**

Heard counsel for the petitioner and counsel for the respondent Bank.

The beneficial kind of policy adopted by the Bank with effect from 31.7.2006 is sought to be taken away by the respondents by deliberate kind of mischief and machination as is the stand of the counsel representing the petitioner.

The short facts are that the petitioner's husband was an employee of the Bank and was holding the post of Area Manager under the respondent Bank. During the performance of his duty, he met with an accident and died. The death happened on 20.1.2006. When the death happened, there was a scheme for compassionate appointment. The petitioner- widow filed an application, which was not acted upon for a very long time. In the meantime, in lieu of compassionate appointment, a scheme for payment of ex gratia of lump sum amount was put in place and made applicable from 31.7.2006. The petitioner was neither given benefit of compassionate appointment nor given benefit of ex gratia. The reason for rejection of the claim of ex gratia as contained in Annexure- 6 is that there was delay of more than six months in filing of such an application.

If the object and purpose of the scheme was to extend benefit to a hapless family in distress then such a deliberate and harsh view ought not to have been taken by the respondent. The petitioner does not seem to be well versed with her rights. In addition to that, the Court can very well appreciate mental frame of mind she must have been after she lost her husband. She was waiting for a favourable order from the respondents by way of a compassionate appointment but if a new policy came into vogue then it was the duty of the Bank to get in touch with the petitioner and guide her and advice her as to what she was entitled to.

In the counter affidavit filed on behalf of the respondents they tried to shift the burden on the petitioner that the Bank has tried to get in touch with the petitioner and for which communications have been made. Since the petitioner did not respond, therefore, rejection of her claim was the only answer.

Counsel for the petitioner submits that there was deliberate mischief. The communication has been made on the village address. All previous information or communications have been made on the local address where she used to reside with her husband. Obviously, this was deliberately done with the object of ensuring that time frame so fixed in the scheme of things expired and the Bank will not be saddled with the responsibility of payment of ex gratia also since compassionate appointment was also not available to the petitioner.

Beneficial schemes are not required to be defeated with this kind of machination that too by a Public Sector Bank. An employee had died while performing duty in an accident, leaving behind a widow and many a children having liabilities of various kinds. It is rather unfortunate that the Bank has taken not only recourse to manipulation by writing to the petitioner on address where no response would come and also not taking any other steps to let the petitioner know as to what she was required to do as per the new scheme.

The decision contained in Annexure- 6 is, therefore, required to be quashed. The respondent Chairman of the Bank is directed to consider the claim of the petitioner for grant of ex gratia afresh within a period of three months from the date of production of a copy of this order.

The Court has apprehension that the respondents Bank will be more inclined to waste public money in frivolous litigation but may not like to extend beneficial kind of benefits to the employees.

Writ is allowed.

**(Ajay Kumar Tripathi, J)**

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