

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2907 of 2015

=====

Mary Prasad, wife of late Keshari Kumar Prasad, R/o-C/o Vivek Prasad,
280, Patliputra Colony, Patna-13.

.... Petitioner/s

Versus

1. Canara Bank, Incorporated and registered under Companies Act, 1956.
2. Chairman and Managing Director, Canara Bank, 110 J.C. Road, Head Office, Bangalore, Karnataka.
3. General Manager, Human Resources, Canara Bank, Luv-Kush Tower, Exhibition Road, Patna-1
4. Zonal Manager, Canara Bank, Luv-Kush Tower, Exhibition Road, Patna-1.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vivek Prasad, Advocate.

For the Respondent/s : Mrs. Nilu Agrawal, Advocate.
Md. Zaki Haider, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 19-02-2015

Heard learned counsel for the parties.

2. The petitioner, whose husband died as an employee of Canara Bank on 18.05.2006, is before this Court for the following relief made in this writ application:

"1.(i) For issuance of an order direction or appropriate writ commanding the respondents to pay ex-gratia amount with interest to the petitioner on account of pre-matured death of her husband who died while in duty of the respondent bank."

3. Mr. Vivek Prasad, learned counsel for the petitioner, submits that after the death of her husband taken place on 18.05.2006, the petitioner had filed an application on 01.09.2006 demanding payment of ex-gratia amount, which was rejected by the competent authority of the bank on 18.02.2008, vide

Annexure-2, but without giving any reason of such rejection. He submits that thereafter the petitioner has been continuously filing representation at least to reconsider the case of the petitioner for grant of ex-gratia amount but then her such efforts yielded no result till date.

4. Mrs. Nilu Agrawal, learned counsel appearing on behalf of the bank, on the other hand, has submitted that this writ application is wholly belated as with regard to claim of ex-gratia, which had accrued to the petitioner in the year 2006 and had already been rejected by an order dated 18.02.2008. She has, therefore, of the view that the delay of almost seven years in moving this Court by itself would be fatal for the petitioner in maintaining this writ application.

5. In the considered opinion of this Court, before the petitioner had to sustain her claim for grant of ex-gratia amount, she ought to have apprised this Court as to what was the scheme of ex-gratia. The reliance placed by the learned counsel for the petitioner on the application filed by the petitioner, in the prescribed format, can be of no answer with regard to requirement of the scheme. Any judicial review of the aforementioned decision taken by the authority of the bank including the one rejecting the claim of the petitioner by order dated 18.02.2008 without giving

sufficient reasons could have been examined by this Court only in the light of the policy of such grant of ex-gratia. That being so, its being not brought on record by the petitioner, this Court would refuse to go into any other aspect.

6. The delay of seven years in moving this Court also has been unexplained inasmuch as mere filing of representation cannot be a ground to explain the delay.

7. Thus, for the reasons indicated above, this Court does not find any merit in this writ application and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--