

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4304 OF 2014

[Amruta d/o Ashok Mangam .vs. Indian Overseas Bank and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.S. Bhendarkar, counsel for the petitioner,
 Mrs. Mrunal Naik, counsel for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 01, 2015.

By this petition, the petitioner seeks a direction to the respondent-bank to appoint the petitioner on compassionate ground.

The father of the petitioner was working with the respondent-bank and he died while in service on 11.2.2007. The petitioner, the elder daughter of the deceased, applied for appointment on compassionate ground on 18.11.2013. The application of the petitioner was rejected by the respondent-bank on 30.12.2013. The said order is impugned in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondents-bank, it appears that the respondent-bank cannot be directed to appoint the petitioner on compassionate ground. It appears that, in the year 2004, the respondent-bank scrapped the scheme for appointment on compassionate ground and in stead formulated the scheme for payment of ex-gratia amount in lieu of appointment on compassionate ground. In the absence of any

scheme for granting appointment on compassionate ground, the petitioner could not have claimed appointment on compassionate ground on the basis of an application made in the year 2013. The petitioner would also not be entitled to ex-gratia amount as the said amount is liable to be paid to the eligible family member of the deceased employee, if the application in that regard is made within a period of six months from the date of the death of the employee. Hence, neither is the petitioner entitled for compassionate appointment nor is the petitioner entitled for ex-gratia payment.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

Gulande