

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15532 of 2013

1. Urmila Devi Wife Of Late Ram Kishun Paswan Resident Of Village Bishunpur,
Police Station Ben, District Nalanda

.... Petitioner/s

Versus

1. The Central Bank Of India Through Its Chairman, Head Office, Central Bank Of India, Chander Mukhi, Nariman Point, Mumbai- 400021
2. The General Manager, HRD, Head Office, Central Bank Of India, Chander Mukhi, Nariman Point, Mumbai- 400021
3. The Zonal Manager, Zonal Office, Central Bank Of India, Block B, Maurya Lok Complex, Dak Banglow Road, Patna- 800001
4. The Senior Manager, Regional Office, Central Bank Of India, Shanti Bhawan, Rameshwar Path, Opp. Biser Tank, Gaya- 823001
5. The Branch Manager, Harnaut Branch, Central Bank Of India, Harnaut, Nalanda

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15709 of 2013

1. Meena Devi Wife Of Late Naresh Ram Resident Of Village Sirchanpur, Post
Office And Police Station Harnaut, District Nalanda

.... Petitioner/s

Versus

1. The Central Bank Of India Through Its Chairman, Head Office, Central Bank Of India, Chander Mukhi, Nariman Point, Mumbai- 400021
2. The General Manager, HRD, Head Office, Central Bank Of India, Chander Mukhi, Nariman Point, Mumbai- 400021
3. The Zonal Manager, Zonal Office, Central Bank Of India, Block B, Maurya Lok Complex, Dak Banglow Road, Patna- 800001
4. The Senior Manager, Regional Office, Central Bank Of India, Shanti Bhawan, Rameshwar Sinha Path, Opp. Bihar Talab, Gaya- 823001
5. The Branch Manager, Harnaut Branch, Central Bank Of India, Harnaut, Nalanda

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15617 of 2013

1. Rita Kumari Wife Of Late Manoj Singh Resident Of Dak Banglow Road, Post
Office Dak Banglow Road, Police Station Harnaut, District Nalanda

.... Petitioner/s

Versus

1. The Central Bank Of India Through Its Chairman, Head Office, Central Bank Of

- India, Chander Mukhi, Nariman Point, Mumbai - 400021
2. The General Manager, HRD, Head Office, Central Bank Of India, Chander Mukhi, Nariman Point, Mumbai - 400021
3. The Zonal Manager, Zonal Office, Central Bank Of India, Block B, Maurya Lok Complex, Dak Banglow Road, Patna - 800001
4. The Senior Manager, Regional Office, Central Bank Of India, Shanti Bhawan, Rameshwar Path, Opp. Biser Tank, Gaya - 823001
5. Branch Manager, Harnaut Branch, Central Bank Of India, Harnaut, Nalanda

.... Respondent/s

Appearance :

(In CWJC No.15532 of 2013)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. Ashutosh Kumar

(In CWJC No.15709 of 2013)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. Mahendra Pathak

(In CWJC No.15617 of 2013)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. Mahendra Pathak

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-04-2016

Heard learned counsel for the petitioners and learned counsel for the Bank.

As in all the three cases the identical questions have been raised, they are being disposed of by this common order.

In all the three cases husbands of the petitioners died in a same accident. The fact is that the husbands of the petitioners had gone to Nawada Branch for the purposes of remitting the cash of Rs. 35,000,00/-(thirty five lacs) to Harnaut Branch. While they were going with cash of Rs. 35,000,00/-(thirty five lacs) from Nawada to Harnaut by a Ambassador car, an attempt was made for robbery by way of stopping the Ambassador



car by force with the help of a truck which led to serious accident in which husbands of the petitioners died. By that time, the public gathered and thereby miscreants could not take away the cash amount which remained inside the car, thereby the Bank recovered all the cash without any loss. A case was registered as Nawada (Muffasil) P.S. Case No. 147 of 2012 for offences under sections 279, 304 (A) and 427 of the Indian Penal Code. On account of sudden death, the family of the deceased became penury, having loss their bread earner, they came under the terrific financial trouble, applied for appointment on compassionate ground, submitted that their husbands died while discharging the duty of the Bank and they are covered under the Scheme. The Regional Office of the Bank recommend their cases for the compassionate appointment, but the Head Office did not find their cases are under the scheme for compassionate appointment, refused to grant the relief to these petitioners. In lieu of giving appointment on compassionate ground, offer was given for payment of ex-gratia amount which the petitioners did not accept the fact remains except the payment of gratuity and provident fund, no payment under the ex-gratia has been made to these petitioners, but the petitioners always insisted for their compassionate appointment, ultimately, having no way out, they approached this Court in the present writ

application.

The Bank has taken plea that petitioners cannot be appointed on compassionate ground on account of the prevalent scheme, as earlier scheme for compassionate appointment has been substituted by another scheme of payment of ex-gratia, they can at best claim the ex-gratia amount, not compassionate appointment.

The counsel for the petitioners has submitted that cases of the petitioners are even covered under subsequent scheme for compassionate appointment where two exceptions have been given. First if any employee died while performing his official duty as a result of violence, terrorism, robbery or dacoity or dies within five years of his first appointment or before he reaches the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children, will be considered for the compassionate appointment. At the bottom it has been provided that all applications for appointment on compassionate ground/payment of ex-gratia, pending as on 31.07.2004 i.e. the date on which the existing model scheme was circulated by IBA, shall be considered in accordance with the revised scheme. Any application that has been disposed of prior to 31.07.2004 and any order passed thereon shall not be reopened so it is a fact that before the enforcement of this Scheme, the Bank was giving the appointment



on compassionate ground, but after the enforcement of this scheme, by and large, a person was dependent, was entitled to the ex-gratia amount, save and except, two classes of cases have been carved out in those cases the person-dependent will be entitled to the compassionate appointment and so much so that new scheme of 2014 has been introduced in the Bank, but that has been enforced with effect from 5/8/2014. In whole of the scheme, no clause has been mentioned that if any employee died prior to 5/12/2014, their cases will not be considered, but only criterion has been stipulated in clause 8.1, the dependant would be entitled to claim for compassionate appointment upto five years from the date of death or retirement on medicals grounds and decision to be taken on merit in each case so by limitation of 5 years has been made but applicable even to a person, died prior to appointment date, subject to the condition, the application has been filed within five years.

On scanning the provisions of two schemes i.e. 2007 scheme and 2014 scheme, the cases of the petitioners are covered for the compassionate amount. The reasons are that in 2007 scheme, two exceptions have been made. First for the person died while performing his official duty on account of violence, terrorism, robbery or dacoity or even if the case of the petitioner does not fall in clause-A will be covered in clause- B which

provides dies within five years of his first appointment or before he reaches the age of 30 years.

As has been submitted by the counsel for the petitioner, so far Urmila Devi's case is concerned, her husband died on 10/12/2007 so he falls within two schemes in 2007 as well as in 2014 schemes, but with regard to two persons as available 2014 scheme does not exclude the applicability of extending the benefit of compassionate appointment as they died prior to 5/8/2014, only condition of limitation five years has been made applicable, as they have died on 4.10.2012 will be covered under clause-8.1, 2014 scheme and as such, rest petitioners are also entitled to the benefit of compassionate appointment.

In view of the aforesaid discussion, it is made clear, husband of the petitioners died while performing the duty of the Bank as they were carrying the cash of the Bank, there is no loss of single paisae. It is not a case, they died in a normal circumstances, but they died while discharge the duty of the Bank, at least the Bank was required to have taken human consideration to appoint the petitioners on compassionate ground.

With the above observation/direction all the three petitions are allowed. The Bank is directed to consider the case of the petitioner in terms of 2007 as well as 2014 schemes, as has been

explained herein above, the case of petitioner no. 1 is covered under 2007 as well as 2014 schemes and rest two persons are covered under 14 scheme. The process of compassionate appointment should be completed within a period of three months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.5.16
Transmission Date	