

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 552 of 2012**

Pawan Kumar Sahu S/o Late Shri Dev Ram Sahu, aged about 37 years, Caste – Teli, R/o village Borind, Police Station Rajim, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Union Bank of India (Govt. of India undertaking) 239, Vidhan Bhawan Marg Nariman Point, Mumbai, Personnel Department, Janbal Ayojana & Bharti Prabhag, Central Office (Maharashtra) India.
2. Deputy General Manager (P), Department of Personnel M.P.R.D. Central Office Mumbai (M.H.)
3. Bank Manager, Union Bank of India, Near L.I.C. Office, N.H.217, Mahasamund, District Mahasamund (CG)

---- Respondents

For Petitioner	:	Shri Akhilesh Kumar, Advocate
For Respondents	:	Shri N. K. Vyas, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/03/2016**

The petitioner through the present writ petition has challenged the order dated 16.06. 2011 Annexure P-1.

2. According to the petitioner, his father namely Dev Ram Sahu while working with respondent no.1 bank died in an road accident on 31.05.2008. According to the petitioner, his mother is an illiterate lady and that the respondents without taking any consent from her, sou motu deposited Rs.7,00,000 in her account as an ex-gratia amount in lieu of compassionate appointment. According to the petitioner, his case ought to have been considered for compassionate appointment by the respondent Authorities.

3. From the record it is evident that the petitioner on an earlier occasion also had filed a writ petition i.e. W.P.(S) No.6413/11 which was disposed of on

31.10.2011 at the request of the petitioner only to avail remedy before the Authorities by filing representation. Subsequently, the petitioner moved a representation to the respondent Authorities who vide their letter dated 02.09.2011 informed the petitioner that he is not entitled for compassionate appointment for the reason that his mother had applied for ex-gratia payment in lieu of compassionate appointment which has been honoured by the respondent bank and an amount of Rs.7,00000 has been paid to his mother. However, the said letter dated 2nd September, 2011 is not under challenge in the present writ petition.

4. From the proceedings it also reveals that the respondents had informed the petitioner that there was an application made by his mother for grant of ex-gratia payment in lieu of compassionate appointment and that she had also executed an affidavit in this regard dated 19th January, 2009 in which the petitioner was a witness. This clearly stipulates that the mother of the petitioner did not want at that point of time compassionate appointment, rather she was willing to accept ex-gratia payment under the scheme which was duly considered by the respondent bank and the payment was also made to the mother of the petitioner as early as on 30.01.2009. The claim of the petitioner now after considerable period of time is not sustainable at all.

5. From the record it is also clear that from 2009 to 2011 i.e. the date of filing of the first writ petition and even till date there is no objection whatsoever on the part of the mother of the petitioner who is the wife of the deceased employee. So far as the mother of the petitioner is concerned, there is no affidavit or even any complaint filed on the denial of compassionate appointment by the respondents to the wife of the deceased employee and in lieu having paid ex gratia compensation.

6. In the absence of any such objection or denial or rebuttal by the mother of the petitioner and in the light of the scheme prevalent in the respondent bank

and the mother of the petitioner having opted for taking ex-gratia payment which was paid by the respondent bank promptly in lieu of compassionate appointment, the respondent bank cannot be said to have committed any illegality or infirmity nor is there any allegation as such by the petitioner in his writ petition supported by any affidavit or contention of his mother.

7. For the foregoing reasons, this Court is not inclined to interfere with the order of rejection for grant of compassionate appointment to the petitioner. Thus, the present writ petition being totally devoid of merit is accordingly dismissed.

Sd/-

P. Sam Koshy
Judge