AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 552 of 2016

1. Chhattisgarh Rajya Gramin Bank, Through Chairman 15, Recreation Road, Choubey Colony, Raipur, District Raipur, Chhattisgarh.
2. Chief Manager (HR) Chhattisgarh Rajya Gramin Bank, 15, Recreation Road, Choubey Colony, Raipur, District Raipur, Chhattisgarh.
3. Regional Manager, Chhattisgarh Rajya Gramin Bank, Regional Office, Plot No. 36, Street No. 1, Pushpak Nagar, Bhilai District Durg, Chhattisgarh.
4. Branch Manager, Chhattisgarh Rajya Gramin Bank, Branch Office: Village Anjora, Tahsil & District Durg, Chhattisgarh.

---- Appellants

Versus

Madhuri Soni W/o Late Shri Ashok Kumar Soni, Aged about 46 years, R/o Near Chandrakar Kirana Stores, Subhash Nagar, Durg, District Durg, Chhattisgarh

---- Respondent

For Appellant : Shri N. Naha Roy, Advocate.
For Respondent : Shri Anand Dadariya, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

29/11/2016

1. This appeal by the Chhattisgarh Rajya Gramin Bank (hereinafter called 'the Bank') shows how an employer tries to get out of its liability on any technical ground, whatsoever.

2. Briefly stated facts of the case are that Late Ashok Kumar Soni was working as Office Assistant in the Chhattisgarh Rajya Gramin Bank and unfortunately, expired on 20.12.2013. Thereafter, his widow applied for compassionate appointment on 15.03.2014 as per the erstwhile scheme of the Appellant-Bank.

3. The stand of the Appellant-Bank is that the earlier scheme which contained a provision for providing compassionate appointment to the legal heirs of the deceased came to an end on 01.11.2013 and with effect from the same date, a new scheme was enforced which provided for grant of ex-gratia payment in case of untimely death of an employee. The Respondent-widow had applied for compassionate appointment on 15.03.2014. She was not informed by the Appellant-Bank that the old scheme had come to an end and under the new scheme, she was entitled to payment of an ex-gratia amount only. She, however came to know about the new scheme from others and thereafter on 25.03.2015, she made an application for grant of ex-gratia payment under the new scheme. This prayer has been rejected by the Appellant-Bank only on the ground that it has not been filed within six months from the date of the death of her husband as provided under the scheme.

4. It is obvious that the scheme framed for grant of ex-gratia payment is in the nature of a welfare scheme to help the family members to tide over their difficulty after the death of the bread earner of the family. Earlier, there was a provision for grant of compassionate appointment which the Appellant-Bank in its wisdom has withdrawn and we are not commenting on the same. The Appellant-Bank decided that instead of providing compassionate employment, ex-gratia payment should be made but in the scheme it was mentioned that the application for grant of ex-gratia payment should be filed within a period of six months from the date of death of the employee.

5. It is stated by Appellant-Bank that the scheme was circulated to all the employees on 09.11.2013. A perusal of the letter dated 09.11.2013 shows that it has been sent to various officials of the Bank i.e. Regional

Managers, Department Managers and Branch Managers. Thereafter, it was to be circulated amongst all the employees. Even assuming that the officials are aware of this scheme, how could the legal representatives of the deceased employee could be aware that there is a time limit of six months granted to move an application for grant of ex-gratia.

6. As far as the present case is concerned, when the Respondent-widow made an application within six months for grant of compassionate appointment on 15.03.2014 the officials of the Bank should have immediately replied to her informing her that the old scheme had come to an end and Appellant-Bank should have also told her that she was entitled to only ex-gratia payment for which she could apply within a particular time.

7. The Appellant-Bank should not take shelter of technical ground of limitation to reject the application of the widow. It is high time that the public authorities such as the Chhattisgarh Rajya Gramin Bank realise that they should not contest every claim and it is better to admit the claims which are lawfully due. The learned Single Judge was fully justified in directing the Appellant-Bank to dispose of the application of the Respondent-widow for grant of ex-gratia payment without raising the dispute of limitation.

8. This appeal by the Appellant-Bank is totally frivolous and the same is accordingly dismissed with exemplary cost of Rs. 10,0000/- to be paid to the widow in addition to the ex-gratia payment.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge

Anu