

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9092 OF 2015

Manda Arvind Bagul

.. Petitioner

Versus

The Deputy General Manager,
State Bank of India and others

.. Respondents

Shri B. R. Waramaa, Advocate for the Petitioner.

Shri P. B. Paithankar, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 19TH DECEMBER, 2016.

PER COURT :

. Mr. Warma, the learned counsel for the petitioner submits that, the case of the petitioner seeking appointment on compassionate ground has been turned down only on the ground that, there is no provision of compassionate appointment and in place of appointment on compassionate, there is provision of ex-gratia payment. According to the learned counsel in 2014 the scheme of appointment on compassionate ground in exceptional cases in the State Bank of India has been introduced and according to the said scheme, the petitioner would be entitled for the benefit of the scheme. The learned counsel further submits that, the whereabouts of husband of the petitioner are not known

for long time and a decree has been passed to that effect on 15.06.2009. According to the learned counsel, the same tantamounts to civil death.

2. Mr. Paithankar, the learned counsel for respondents/bank submits that, the scheme of 2014 is applicable where an employee died while performing official duty, as a result of violence, terrorism, robbery or dacoity or where an employee died within five years of first appointment or before reaching the age of 30 years, whichever later, leaving a dependent, spouse and/or minor children. The learned counsel submits that, the case of the petitioner does not come within the ambit of both clauses. As such, the petitioner is rightly denied the benefit of appointment on compassionate ground either for herself or her son.

3. The order/communication dated 31.07.2015 nowhere shows that, the State Bank of India Scheme for Appointment on Compassionate 2014 has been considered while rejecting the application.

4. It is for the authorities to consider the applicability of the scheme. The rights of the parties vis-a-vis the scheme and then arrive at a particular conclusion. No reasons are given in the impugned order/communication as to the reason for rejection of the claim of the petitioner. The authority may consider the

application of the petitioner afresh, so also scheme of 2014 and take decision appropriately on its own merits, in accordance with law, expeditiously and preferably within a period of three (03) months from today. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 16