

CM No.14914 of 2016 in/and
CWP No.7309 of 2000 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 16.12.2016

CM No.14914 of 2016 in/and
CWP No.7309 of 2000 (O&M)

Jasvir Singh

...Petitioner

Vs.

Punjab National Bank & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K.Markan, Advocate, for the petitioner.

Mr. Sourabh Verma, Advocate, for the respondents.

Mr. Saravpreet S. Gurna, Advocate, for the applicant.

RAJIV NARAIN RAINA, J. (ORAL)

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Notice of the application to the non-applicants.

On the asking of the Court, Mr. S.K.Markan, Advocate and Mr. Sourabh Verma, Advocate, accepts notice on behalf of the petitioner and respondents respectively.

After hearing learned counsel for the parties, the present application is allowed. The applicant is permitted to be impleaded as respondent No.3 as the claim has not abated.

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Cost paid to Mr. S.K.Markan.

Heard.

Sukhdev Singh was a Cashier in the respondent – Bank. He died on 28.07.1996 while in service. He left behind two families through

two wives. Respondent No.3 – Kamaljit Singh is the son from the first wife, who died and Sukhdev Singh thereafter contracted his second marriage with Manjit Kaur. The petitioner is Manjit Kaur's son through Sukhdev Singh. This makes Jasbir Singh and Kamaljit Singh step brothers. When the father died, Manjit Kaur gave out to the Bank that she would prefer compassionate appointment for her step son Kamaljit Singh in preference to her own offspring. However, on 25.07.1998, Kamaljit Singh gave an affidavit to the Bank relinquishing his right in respect of ex gratia appointment in favour of Jasbir Singh, who was minor at the time of death of his father. Manjit Kaur committed suicide and Kamaljit Singh was embroiled in a case as an accused under Section 306 IPC for abetment to suicide. He was sent to judicial custody. In the trial, he was found innocent of the crime and was acquitted by the trial court on 07.10.1998.

On 20.11.1996, while Manjit Kaur was alive, she withdrew the nomination, which she had made in favour of Kamaljit Singh. Ultimately, the claim of Jasbir Singh was rejected on the plea that the requisite application for compassionate appointment was not made within one year of the death of the incumbent government employee in terms of the policy dated 16.07.1994 (Annex P-1) which provided the condition.

Against the rejection of the request for ex gratia appointment, the petitioner has approached this Court through this petition filed 16 years ago. There was no delay in approaching the Court, but there has been considerable time passing by irreversibly. On a query put to the learned counsel to ask after the status of the parties presently, the Court is informed that Jasbir Singh is married and has raised a family. On the other hand, Kamaljit Singh's counsel says he has not done well in life while Jasbir Singh is placed in a better social position than him and has property as well. I

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assume that the parties are well enough to support themselves and their families and by passage of time, the right, if any, which may have been obfuscated by sibling rivalry born from two wives of Sukhdev Singh, it will not be prudent or practical to consider the cases for appointment on compassionate grounds. Kamaljit Singh is about 46 years old today while Jasbir Singh was born on 25.02.1979 which makes him 37 years of age. This is long enough for a person to settle himself in life according to his skill, effort and talent. The families left behind by the deceased Cashier did not suffer financial deprivation or acute hardship of an unbearable kind. The scope of providing immediate relief is lost to time and tide.

In these circumstances, this Court will be loathe interfering in the matter and would dismiss the case without going into the correctness or otherwise of the impugned order, which ex facie appears to have been passed in obedience of the instructions to which the Bank was bound to adhere to.

No merit. Dismissed.

16.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>