

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

(227)

**CWP No. 19173 of 2014
Date of Decision: 15.09.2016**

Kusum Lata

.....Petitioner(s)

Versus

Union Bank of India and Another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: - Mr. H.S. Saggu, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate
for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner is seeking Writ of Mandamus directing the respondents to pay the ex gratia amount to the petitioner on the death of her husband while he was in service. The petitioner's husband died on 01.07.2011. She has submitted application for grant of ex gratia on 28.09.2011. The respondents have decline to grant relief sought by the petitioner vide Annexure P-1 dated 05.12.2011 which is not a speaking order. Thereafter, the petitioner issued a legal notice for which the reply has been given to the petitioner through counsel on 01.07.2014. On what ground, with reference to policy, the petitioner is not

entitled for ex gratia amount, has not been indicated.

2. Learned counsel for the petitioner submitted that mere filing of the charge-sheet does not bar grant of ex gratia amount unless and until a final decision is taken in disciplinary proceedings. Decline to grant ex gratia amount by the respondents is highly arbitrary. In fact on 01.07.2011 the date on which the petitioner's husband died, the disciplinary proceedings initiated by the respondents held to be abated. Consequently, petitioner is entitled for ex gratia amount.

3. On the other hand, learned counsel for the respondents submitted that Annexures P-1 and P-5 are in accordance with the policy decision of the respondents that the petitioner is not entitled for the ex gratia amount for the reasons that the deceased employee was facing disciplinary proceedings and in terms of Revised Model Scheme for payment of ex gratia amount in lieu of appointment on compassionate grounds and appointment of dependents of deceased employees on compassionate grounds dated 31.08.2007 vide Annexure P-4. In particularly Para (e), the petitioner is not entitled for ex gratia amount.

4. Heard learned counsel for both the parties.

5. Even though the petitioner is not entitled for the relief sought in the present petition for the reasons that the petitioner has failed to question Annexure P-1 and P-5 and Sub-Clause (e) of Annexure P-4 dated 31.08.2007, whereas the conduct of the respondents in considering the grievance of the petitioner, the respondents should have specifically informed the petitioner by quoting Sub-Clause (e) of the order dated

31.08.2007 (Annexure P-4). Thus, the petitioner was compelled to approach this Court seeking for a Writ of Mandamus. Had the respondents rejected the claim of the petitioner that she is not entitled for ex gratia amount in view of Sub-Clause (e) of the order dated 31.08.2007, matter would have been different.

6. The respondents are directed to pass a speaking order within a period of three months from today. The respondents are liable to pay costs of Rs. 10,000/- to the petitioner for having not apprise the reasons for declining the ex gratia amount under the circular bearing No. AIUBOF/GS/PKS/122/2007 dated 31.08.2007.

7. The costs shall be paid by the respondent within a period of three months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

15.09.2016

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Whether Speaking/Reasons: Yes/No

Whether Reportable: Yes/No