

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

CWP No. 24730 of 2016
Date of Decision: 01.12.2016

BALBIR KAUR

... Petitioner

VS.

***THE MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER,
ORIENTAL BANK OF COMMERCE AND OTHERS.***

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Bhupinder Kaur, Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition filed under Article 226/227 of the Constitution of India for quashing the impugned orders dated 08.07.2016 and 17.08.2016 (*Annexures P-5 and P-7*) whereby the interest on the delayed payment of ex-gratia amount of ₹ 7.00 Lakhs was denied to the petitioner. The petitioner has also sought issuance of writ of mandamus directing the respondents to make payment of interest @ 18% on the delayed payment of ex-gratia amount in lieu of appointment on compassionate grounds to the petitioner.

The brief facts of this case are that Sukhdev Raj, husband of the petitioner who has worked as a Special Assistant in the Oriental Bank of Commerce, died in harness on 22.08.2010. Thereafter, the petitioner applied for grant of ex-gratia amount on 03.02.2016 which was got sanctioned vide order dated 29.03.2016 (*Annexure P-3*). Now the petitioner claims interest on

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the delayed payment of ex-gratia amount from the date of death of her husband.

Learned counsel for the petitioner contends that since, the petitioner was not informed that she was also entitled to the payment of ex-gratia, therefore, she could not apply for the same.

The Rule regarding payment of ex-gratia amount in lieu of appointment on compassionate grounds (*Annexure P-1*) shows that the request for payment of ex-gratia amount was to be made within six months from the date of death of the employee and it is to be granted if the family is in indigent and penurious circumstances. The relevant extract of the said Rule is reproduced as under: -

“2. Ex-gratia payment:

(a) In cases as in para 1 (A), Ex-gratia amount will be paid to the family of the employees if eligible and if requested for within six months from the date of the death of the employee. The family shall be in indigent or penurious circumstances. “Family” for this purpose would mean and include spouse, wholly dependent children (son, including legally adopted son/unmarried daughter including legally adopted unmarried daughter). In case of unmarried employee, parents who are wholly dependent on the employee will constitute “family”.

In the present case, the petitioner applied for ex-gratia payment on 03.02.2016 i.e. after little less than six years from the date of death of her husband. Even then the Bank considered the request of the petitioner on compassionate grounds and granted her financial assistance.

I am of the view that when the petitioner herself applied for ex-gratia amount after a delay of little less than six years claiming that she is

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covered by the said instructions, she cannot blame the Bank for the delayed payment of ex-gratia. The ex-gratia payment was sanctioned to the petitioner in little over one month from the date of application.

It being so, there is no ground to grant interest on the payment of ex-gratia amount to the petitioner. In view thereof, the present writ petition stands dismissed.

December 1, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

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