

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2829 of 2014

Date of decision:-08.08.2016

Satnam

....Petitioner

Versus

Managing Director, State Bank of India and others

....Respondents

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

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

Mr. I.P.S. Doabia, Advocate,
for the respondents.

P.B. BAJANTHRI, J. (ORAL)

The petitioner has questioned impugned order dated dated 02.11.2010, Annexure P-5 by which his grievance relating to grant of ex-gratia payment on account of his father's death has been declined on the sole reason that he had submitted his application on 14.11.2006, which is subsequent to the cut of date namely 31.08.2006.

Learned counsel for the petitioner submitted that father of petitioner died on 30.09.2001 while holding the post of Guard. It is stated that he submitted representation/application for compassionate appointment in the year 2002. However, the same has not been considered by the respondents. Even if the same has been considered and rejected, such rejection has not been communicated to the petitioner. The respondents formulated ex-gratia lumpsum amount scheme instead of compassionate appointment. Ex-gratia amount was to be given to the legal representatives of the deceased employees. After introduction of the scheme last date prescribed for receipt of application has been postponed on three occasions

ultimately legal representatives of the deceased employee were required to submit application on or before 31.8.2006. In the present case admittedly, the petitioner has submitted application on 14.11.2006 which is beyond the cut of date. Therefore, ex-gratia payment has been declined to the petitioner. The learned counsel for the petitioner further submits that the respondents have not informed the petitioner regarding consideration and rejection of compassionate appointment and further they have not informed that for the purpose of ex-gratia payment one has to make an application on or before 31.08.2006. Formulation of ex-gratia scheme as well as extending the last date from time to time is an internal correspondence among the bank official and the same has not been made known to the claimants like petitioner, therefore, Annexure P-5 is liable to be set aside.

Per contra learned counsel for the respondents submitted that he has no information relating to consideration and rejection of petitioner's claim for compassionate appointment, which is of the year 2001-2002. Admittedly, policy has been formulated for the purpose of granting ex-gratia amount to the legal representatives of the deceased employee and from time to time last date has been extended. However, the petitioner fail to submit application within the last date i.e. 31.08.2006. The petitioner's application is dated 14.11.2006 therefore, the respondents have rightly rejected the claim of the petitioner. Thus, there is no infirmity in the communication dated 02.11.2010 (Annexure P-5).

Heard learned counsel for the parties.

From the perusal of the dates and events as well as papers, it is evident that respondents have casually considered the petitioner's claim of compassionate appointment as well as ex-gratia amount. Firstly, the

respondents have failed to communicate the decision taken on the petitioner's representation/application for compassionate appointment during the year 2001-2002. Secondly, scheme of ex-gratia of 2006 has not been made known to the petitioner that as and when it was introduced and further fixing the last date for submitting the application also. Thus there is totally non-application of mind on the part of the respondents in respect of consideration of the petitioner's claim for compassionate appointment as well as ex-gratia amount. Since the scheme of ex-gratia as well as extending time to time has not been made known to the petitioner or giving vide publicity in various newspapers, the petitioner was not in a position to submit his application within the time limit stipulated by the respondents for ex-gratia amount.

In view of these facts and circumstances, communication dated 02.11.2010 (Annexure P-5) is set aside. The respondents are directed to pay ex-gratia amount within a period of 4 months from today along with 9 % interest from 31.08.2006. The respondents are also liable to pay costs of ₹25,000/- to the petitioner within a period of 3 months. Since father of the petitioner was Guard and died on 30.09.2001. Application for compassionate ground appointment was submitted in the year 2002. The same was not considered and fate of the claim for appointment not made known and further rejection of ex-gratia amount.

08.08.2016

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(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No