

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 4213 of 2016
Date of Decision: 02.3.2016.

Parvesh Rani

.....Petitioner

Versus

State Bank of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.K.Bagri, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 226 of Constitution of India seeking a writ in the nature of certiorari challenging the award dated 17.1.2015 (Annexure P-10).

Case of the petitioner, in brief, was that her husband was working as Deputy Manager with the respondent and had died on 28.3.2005. Petitioner had no knowledge regarding the ex-gratia scheme introduced by the respondents. On 4.8.2005, 1993 scheme was replaced with new ex-gratia lump-sum payment scheme. In continuation to the ex-gratia scheme dated 4.8.2005, respondents issued letter dated 7.7.2011 and one time opportunity was granted to the families/dependents who could not apply for the payment of ex-gratia amount and the facility was made available to all the cases of death on or before 4.8.2005. Vide letter dated 17.4.2012, the earlier schemes were again modified and maximum ex-gratia amount of ₹ 8,00,000/- was allowed for supervisory staff and minimum ex-gratia amount was fixed at ₹ 4,00,000/-. Vide circular

dated 25.2.2014 in reference to the ex-gratia payment policy dated 4.8.2005, the last date to submit the applications was fixed as 30.9.2014. In response to the said letter, petitioner submitted the application on 5.8.2014. However, vide the impugned letter, the claim of the petitioner was rejected on irrelevant considerations. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that vide Annexure P-3, cases where families/dependents had not applied for payment of ex-gratia were held entitled to apply for the same and the said facility was available to all the cases of death on or before 4.8.2005. In terms of Annexure P-6, petitioner had applied for ex-gratia benefit as the petitioner could submit the application upto 30.9.2014. The case of the petitioner for grant of ex-gratia amount had been rejected vide Annexure P-10 on irrelevant grounds.

Annexure P-3 is the scheme for payment of ex-gratia lump-sum amount dated 7.7.2011. Clause-3 of the said letter reads as under:-

“The Executive Committee of the Central Board in its meeting held on 30th June, 2011 has approved a scheme wherein one-time opportunity has been granted to such cases declined and or not entertained on account of late submission and to permit them to apply afresh for payment of ex-gratia upto 31st December, 2011. Cases where the family/dependents have not applied for payment of ex-gratia will also be eligible to apply for the same. This facility will be available to all the cases of death on or after 4.8.2005. This facility however, will not

be available to the cases considered and declined on penury norms.”

Thus, as per the above clause, one time opportunity was granted to such cases which had been declined or not entertained on account of late submission and permission was granted to them to apply afresh for payment of ex-gratia upto 31.12.2011.

Annexure P-6 is the scheme for payment of ex-gratia lump-sum amount in lieu of compassionate appointment dated 25.2.2014. Clause 2 and 3(c) of the said letter read as under:-

“2. We have been receiving requests from Circles for covering the following cases also for the payment of ex-gratia under the scheme.

(i) Cases of death occurred between 4.11.2004 to 3.8.2005 for payment of minimum amount of ex-gratia.

(ii) Cases of premature retirement due to incapacitation on medical grounds before reaching the age of 55 years for payment of ex-gratia under revised scheme effective from 1st April 2012.

3. The scheme has been reviewed and the Executive Committee of the Central Board in its meeting held on 13th February 2014 has approved following modifications:-

(a) x x x x x

(b) x x x x x

(c) one time opportunity will be given to the

dependents of the deceased/retired employees for the pending cases in the above two categories to submit the applications upto 30.9.2014.”

A perusal of clause 3(c) of the above letter reveals that one time opportunity was given to the dependents of the deceased whose cases were pending and they could submit applications upto 30.9.2014. Petitioner for the first time had submitted application on 23.7.2014 in pursuance to Annexure P-6. The request of the petitioner was rejected vide letter dated 17.1.2015 (Annexure P-10) and the same reads as under:-

“With reference to your application dated 23.7.2014, for payment of ex-gratia lumpsum amount, we have been advised by the competent authority that scheme for payment of ex-gratia was made available to all the cases of death occurred between 4.11.2004 to 3.8.2005. A one time opportunity was also granted to such cases declined or not entertained on account of late submission of application by permitting them to apply afresh for payment of ex-gratia. However, it has been observed that the dependants of late Shri Ravi Shekhar Gosain did not even submit the application for payment of ex-gratia lumpsum amount at the material time. The provision contained in e-circular No. CDO/P&HRD-PM/75/2013-14 dated 25.2.2014, the payment of minimum ex-gratia amount of 50% of the cadre was eligibility has been extended to the cases of death occurred between

4.11.2004 to 3.8.2005 and declined/rejected at the material time on account of not fulfilling the penury norms. The present proposal has been submitted first time on 23.7.2014 after a gap of 09 years, therefore, does not merit consideration and hence returned.”

The reasons given by the competent authority while rejecting the case of the petitioner are sound reasons. Petitioner had for the first time applied for the ex-gratia lump-sum amount on 23.7.2014 in pursuance to Annexure P-6 whereas the claim of the petitioner was not covered under the said circular. Vide Annexure P-6, dependents of the deceased had been permitted to submit applications upto 30.9.2014 in cases where their claims were pending. So far as the petitioner is concerned, her claim was not pending at the time of issuance of circular Annexure P-6. Rather the petitioner for the first time submitted her claim on 23.7.2014.

In these circumstances, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 02, 2016
Gurpreet