

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

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**CWP-8158-2016 (O&M)
Date of decision: 02.05.2016**

Gur Devi

....Petitioner

Versus

Union Bank of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the communication dated 7.12.2015 (Annexure P-4) by which claim for compassionate appointment to her son has been rejected. Petitioner has also questioned clause 5 of a policy decision. Relevant extract of the same is as follows:-

“5. The dependent (including widow) should submit request for compassionate appointment as per Annexure IV, only where as employee:

- *dies while performing his official duty as a result of violence, terrorism, robbery or dacoity; or*
- *dies within five years of his first appointment or before attaining the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children.”*

Petitioner's late husband Shri Som Nath joined services of the Bank on 15.11.1982 and he died on 11.3.2014 at the age of 58 years after completing 31 years of service in the Bank. The petitioner stated to have submitted application for ex gratia in lieu of compassionate appointment dated 6.8.2014. She has also made application for compassionate appointment to her son.

With reference to policy of the compassionate appointment/ex-gratia in lieu of compassionate appointment, the respondent Bank have settled the terminal benefits which are as follows:-

“2.4 Bank has settled the terminal benefits viz. Provident Fund (Rs. 351152/-) , Gratuity (Rs.511427/-), Leave encashment (Rs.66155/-) and DRF (Rs.350000/-), due to Late Shri Som Nath in favour of Smt. Gur Devi wife of Late Shri Som Nath who is receiving family pension of Rs.11358/- per month. Ex-gratia payment of Rs.585880/- has also been sanctioned to her.”

The exgratia amount of 5,85,880/- was sanctioned on 8.10.2014. However, same has not been released till date.

Learned counsel for the petitioner submitted that policy of compassionate appointment vide clause 5 of the circular No. 5425 dated 8.9.2007 is violative of Article 14 of Constitution of India. It discriminates those who have completed 30 years of service and those who have served 30 years of service it should have an applicable irrespective of number of service rendered in the Bank.

Reading of clause 5 of the policy dated 8.9.2007 there is no discrimination. As such, the policy of giving compassionate appointment for 2 classes of employees namely an employee who dies within 5 years of his appointment, secondly, before attaining the age of 30 years which ever

is later, leaving a dependent spouse and/or minor children. There is no infirmity or any violation of Article 14 of the Constitution so as to interfere with the policy matter. Ordinarily, Court will not interfere with the policy matters unless and until it is in violation of constitutional provision. The petitioner has not make out case so as to interfere with Annexure P-4 and Clause 5 of Annexure P7. If the respondents have not released the ex-gratia payment of Rs.5,85,880/- as on today, the same shall be released with interest @ 9% per annum.

The above action shall be taken by the respondents within 2 months from today.

With the above observation, petition stands dismissed.

02.05.2016
pooja saini

(P.B. BAJANTHRI)
JUDGE