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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 36/2016, C.M. APPL.1654/2016 & 1655/2016

PUNEET KALRA Appellant
Through : Sh. Manoj. K. Mishra, Sh. Sandeep
Kumar Dwivedi and Ms. Madhubala, Advocates.

versus

IDBI BANK LTD & ORS Respondents
Through : None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
19.01.2016

The appellant is aggrieved by the order of the learned Single Judge dated 18.11.2015, who refused to intervene against the grievance articulated, i.e. rejection of his application for compassionate appointment.

The petitioner's mother was working as an Assistant Manager in the respondent bank [hereafter "IDBI"]. While so, she died on 11.10.2009. The petitioner apparently was a student at that time and was not eligible since at the relevant time the CPS Scheme of 2006 did not contemplate compassionate appointment of dependants. In 2011, however, an amendment enabling such appointment was made to the Scheme. He did not apply for compassionate appointment at that time. In 2014, a new Scheme [Compassionate Appointment Scheme-2014] was introduced by IDBI. The petitioner applied for compassionate appointment under the said Scheme but his request

was, however, rejected. The appellant also approached the IDBI with a request for *ex gratia* payment. This too was turned down on 24.10.2011.

Considering all these circumstances, the learned Single Judge held that the IDBI could not be directed to consider the application afresh. It is contended that the ground for rejection by IDBI, i.e. delayed application was unjustified given that the Scheme of 2014 itself by virtue of para 8.2, provided that in certain circumstances, a delay beyond five years could be considered. Learned counsel also urged that although the Single Judge noticed that *ex-gratia* payment had been applied for, no amount was disbursed.

During the course of hearing, it was brought to the notice of the Court that the petitioner's father was employed with the Central Government as a Steno Typist in 2009 and that he retired in 2012 and is now a pensioner.

The schemes for compassionate appointment are ordinarily meant to be applicable to dependents and family members who are faced with sudden and calamitous tragedies befalling them on account of death of the sole bread earner. The Courts have upheld such schemes, while remaining conscious of the fact that this can be sustained only as exceptions rather than a rule, on account of the injunction under Article 16(2) of the Constitution that no citizen can be discriminated against on the basis of descent.

The facts in this case would reveal that the petitioner was a student when his mother died; she was a mid-level management employee, i.e. an Assistant Manager. Apparently, the terminal

benefits were disbursed to the family. His earlier request for *ex-gratia* payment was rejected. This remains unchallenged. With the introduction of a new Scheme in 2014, the petitioner applied for compassionate appointment, but did not, however, do so at the first opportunity after the amendment of 2011, when he was 19 years old. Having regard to the above circumstances, the learned Single Judge, in our opinion, correctly exercised his discretion not to intervene. We find no reason to interfere with the impugned order.

LPA 36/2016 is accordingly dismissed along with the pending applications.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 19, 2016
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