

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1129 of 2017

IN

Civil Writ Jurisdiction Case No. 9721 of 1999

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1. Sajeevan Devi @ Sanjiwani Devi aged about 60 yrs, w/o late Raghubar Dayal Sharma,
2. Giri s/o Late Raghubar Dayal Sharma, Both Residing at Mohalla- Madhubagh, Nawada, Near- Jain College, P.S.+ P.O.- Nawada, District- Bhojpur (Ara), 802301.

.... Appellant/s

Versus

1. Punjab National Bank, through the Chairman cum Managing Director 7, Bhikhajee Kama Place, Africa Avenue, New Delhi- 110066.
2. The General / Zonal Manager, Punjab National Bank, Chanakya Place. R-Block, Birchard Patel Path, Patna- 800001.
3. The Regional Manager, Punjab National Bank, 2nd Floor, Hotel Regal Complex, East Ramna Road, Arrah, District- Bhojpur- 802301.
4. The Sr. Branch Manager, Punjab National Bank, Chowk, Arrah, Bhojpur- 802301.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chiranjiva Ranjan

For the Respondent/s : Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-12-2017

Seeking exception to an order passed by the learned Writ

Court on 10.07.2017 in CWJC No. 9721 of 1999 this appeal has been filed under Clause 10 of the Letters Patent.

Appellants claim compassionate appointment after death of late Raghubar Dayal Sharma who was working in the establishment of Punjab National Bank. The employee was retired compulsorily from the post of Assistant Manager on 31.01.1998



even though his actual date of superannuation was on 31.03.2002. After his compulsory retirement on 31.01.1998, he expired on 17.06.1998. There was no challenge to the order of compulsory retirement and after his death the writ petition was filed seeking quashment of the order of compulsory retirement and grant of appointment on compassionate ground.

The learned Writ Court has gone into various aspects of the matter and rejected the claim primarily on the ground that in the facts and circumstances of the case no indulgence can be made. Apart from the fact that was considered we find that death of the employee occurred in the year 1998 and it was after his death that the challenge to the order of compulsory retirement was made.

Compulsory retirement was however quashed on 19.05.2015 by a learned Single Judge passed in CWJC No. 8535 of 1999 filed earlier, and direction was given to make payment of salary and pension. When the matter of compulsory retirement was pending, no case for compassionate appointment was made. A prayer for compassionate appointment was made much after death of the employee. At least with the prayer for quashing the order of compulsory retirement if the prayer for compassionate appointment was also made the learned Writ Court held that the same could have been considered. But now after death of the employee in the year



1998 the learned Writ Court holds that the prayer for appointment on compassionate ground in the year 2006 is not feasible and dismissed the writ petition.

In our considered view, normally compassionate appointment is granted for tide out the financial crisis that falls on the family due to death of the bread-winner and the concept of grant of compassionate appointment is made immediately after death of the employee and after the long period of time grant for compassionate appointment is not permissible.

Taking into consideration all aspects of the matter we see no reason to make any indulgence into the order passed by the learned Writ Court rejecting the writ petition.

The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl/-

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