

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.19033 of 2016**

=====

Abha Sinha, wife of Late Amrithesh Chandra Singh, residing at B-6, Patrakar Nagar,  
Near Heart Hospital, P.S.- Patrakar Nagar, District- Patna- 800020.

.... .... Petitioner

Versus

1. The State Bank of Hyderabad Through D.G.M. Zonal Office, New Delhi-110002
2. The Assistant General Manager (Personnel ) State Bank of Hyderabad Region-II- Vijay (Vijaywada) 64-9-2, K.S. Complex, NTR Circle MG Road, PatamataLanka Vijaywada- 520010
3. The Chief Manager (S.B.H.), PPG Department, Hyderabad- 500001
4. The Chief Manager (S.B.H.), HRMS Cell Hyderabad 500001
5. The Branch Manager, State Bank of Hyderabad Patna Branch, Budh Marge, Patna- 800001

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Birmani Kumar, Adv.  
For the Respondent/s : Mr. Anjani Kumar Mishra, Adv.  
Mr. Amit Ranjan, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 27-11-2017**

Heard Mr. Birmani Kumar, learned counsel appearing for the petitioner and Mr. Anjani Kumar Mishra, learned counsel appearing for the State Bank of Hyderabad which presently stands merged with the State Bank of India.

The petitioner is aggrieved by the order dated 30.7.2015 of the Branch Manager of the then existing State Bank of Hyderabad (since merged with the State Bank of India), whereby her prayer for compassionate appointment has been rejected.

The pleadings on record would transpire that it is after



rejection of the claim for compassionate appointment that an application was filed by the petitioner for payment of ex-gratia lump sum amount on compassionate ground in tune with the scheme in force, a copy of which is enclosed at Annexure 9 to the supplementary affidavit as well as Annexure R/1 to the counter affidavit of the respondent Bank, which inter alia provides for payment of ex-gratia lump sum amount to the dependent of the deceased employee while reserving compassionate appointment in exceptional cases. It is acting upon the application so filed by the petitioner, which forms part of Annexure R/1 to the counter affidavit, that she has also received ex-gratia lump sum amount of Rs.12 lacs, which is present at Annexure R/3 and is dated 21.10.2016. It is as an after thought that the present writ petition has been filed to seek compassionate appointment.

In the circumstances where order of rejection of compassionate appointment dated 30.7.2015, impugned at Annexure 6, was not questioned by the petitioner rather who has proceeded to apply for grant of lump sum ex-gratia amount vide Annexure R/1 at running Page-56 and has also received the said amount on 21.10.2016, simply because the petitioner has a change of thought would not entitle her to extra-ordinary remedy under Article 226 of the Constitution of India. The concession given by the petitioner to return lump sum amount also would not change the course of the matter.



Finding no reasons to grant indulgence, the writ petition is disposed of.

**(Jyoti Saran, J)**

Surendra/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 07.12.2017 |
| Transmission Date | NA         |

