IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3107 of 2016

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Kalawati Devi wife of late Janardan Raut resident of Mohalla - Housing Colony, House No. 14, Nehru Nagar, Near Water Tanki, Post Office + Police Station - Patliputra, District - Patna.

... ... Petitioner/s

Versus

1. The Canara Bank through its the General Manager, Personnel Wing, HRM Section, Head Office, Bangalore, State - Karnataka.
2. The Chief General Manager, SP and D Wing, Head Office - 112, J.C. Road, Bangalore - 560002.
3. The Deputy General Manager, HRM Section, 3rd Floor, Lav-Kush Tower, Exhibition Road, Patna.
4. The Assistant General Manager, HRM Section, 3rd Floor, Lav-Kush Tower, Exhibition Road, Patna.
5. The Manager, Canara Bank. HRM Section, Circle Office, IVth Floor, Liv-Kush Tower, Exhibition Road, Patna.
6. The Branch Manager, Canara Bank, Jehanabad.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the Respondent/s	:	Mr. Ghoshrave

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

3 19-08-2017 Heard the counsel for the petitioner and the Respondent-Canara Bank (for short 'the Bank').

The writ application has been filed by the widow of the deceased employee of the Respondent-Bank for a direction upon the respondent-Bank to make a lump sum ex-gratia payment to her on account of the fact that her husband who was serving the Bank died in harness on 01.04.2013. The petitioner has also prayed for quashing of the communication dated 04.02.2015 issued by the the Respondent-Bank rejecting her claim (Annexure-5) for grant of a lump sum ex-gratia amount giving out the following reasons:-

> "You are not eligible for lumpsum ex-gratia as the income of the family from all sources is more than 60% of the gross salary drawn by the subject ex-employee at the time of his death."

It is submitted by the counsel for the Bank that the provision for consideration and grant of employment on compassionate ground was substituted by the Scheme of grant of lumpsum ex-gratia amount to the employee effective from 14th of February, 2005 in the light of the Model Scheme prepared and circulated by the Indian Banks' Association. A copy of the said guidelines has been enclosed at Annexure-B to the counter affidavit.

There is not much dispute that the said Scheme would be applicable to the case of the husband of the petitioner. Clause 4 of the said guidelines is extracted herein below:-

> "(4). <u>BASIS FOR CALCULATION OF EX-GRATIA</u>
>
> Exgratia may be granted to the family of the deceased employee/employee who voluntarily retired/resigned, due to total incapicitation, in the manner and subject to ceilings specified, if the monthly income of the family from all sources is less than 60% of the last drawn salary (net of taxes) of the ex-employee."

The relevant provision of the guideline/Scheme of the Bank is not under challenge. The impugned order refers to the provision in the scheme. No legal flaw is found in the the order dated 04.02.2015 (Annexure-5).

Be it noted, the stand of the Bank is that all other dues payable to the employee upon death have been calculated and sanctioned.

For the reasons noted above, the Court does not find any merit in the present application. It is dismissed.

(Kishore Kumar Mandal, J)

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