

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 476 of 2017

1. Smt. Radha Chakradhari W/o Late Shri Om Prakash Chakradhari, Aged About 55 Years R/o Shashtri Ward, Mayapur, P.S. Ambikapur, District Surguja, (Chhattisgarh)
2. Ku. Anju Bala Chakradhari, D/o Late Shri Om Prakash Chakradhari, Aged About 23 Years R/o Shashtri Ward, Mayapur, P.S. Ambikapur, District Surguja, (Chhattisgarh)

---- Petitioners

Versus

1. Chhattisgarh Rajya Gramin Bank Through: Chairman, Head Office, Mahadeo Ghat Road, Sundar Nagar, Raipur, District Raipur, (Chhattisgarh)
2. Chief Manager (H. R.), Chhattisgarh Rajya Gramin Bank, 15 Recreation Road, Choubey Colony, Raipur, District Raipur, (Chhattisgarh)
3. The Regional Manager, Chhattisgarh Rajya Gramin Bank, First Floor, Vivek Complex, Sangam Chowk/ Lane, Ambikapur, District Surguja, (Chhattisgarh)
4. Branch Manager, Chhattisgarh Rajya Gramin Bank, Branch; Ramanjuganj, District Balrampur Ramanujanj, (Chhattisgarh)

---- Respondents

Shri Sunil Tripathi, counsel for the petitioner/s.
Shri N.Naha Roy, counsel for the respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/07/2017

Though last opportunity was granted, reply has not been filed.

Learned counsel for the respondent prays for further time of three days.

Considering that last opportunity was granted and the nature of relief sought by the widow of deceased employee, I am not inclined to grant further time.

Heard.

2. The petitioners are aggrieved by order dated 19/09/2016 (Annexure P/1),

by which, only on the ground that the application for payment of ex-gratia amount was time barred, claim has been rejected.

3. Learned counsel for petitioners submits that the policy gives an impression that the ex-gratia amount will be payable in lieu of compassionate appointment, therefore, the widow of the deceased employee was under the impression that the policy of compassionate appointment is in force and therefore, applied for grant of compassionate appointment to her daughter on 15-12-2015. The application was never replied, but later on, she was informed that the policy of compassionate appointment is no longer in existence, therefore, the petitioner has applied for grant of ex-gratia amount.

4. Learned counsel for the respondents submits that the petitioners ought to be vigilant and sought clarification in the matter from the respondents within the time and if it has not been done, then the petitioners have to blame themselves.

5. The purpose and object of payment of ex-gratia amount is to overcome financial stress of the family of the deceased employee. This kind of policy have to be applied to fulfill the object of giving financial benefit to the family of the deceased employee. The facts of the present case would show that the petitioners could not apply for payment of ex-gratia amount because they had moved an application for grant of compassionate appointment to her daughter and the policy (Annexure P/7) states regarding payment of ex-gratia amount that the amount of ex-gratia will be payable in lieu of compassionate appointment. Therefore, it appears that she had bonafide explanation for non-applying for ex-gratia amount within the time stipulated. Therefore, in these circumstances, it would be proper to dispose off the matter with a direction to the respondents to consider the case of the petitioners for grant of ex-gratia amount without sustaining any objection of it being time barred. Considering that the husband of petitioner No.1 died on 26/07/2012, the amount of ex-gratia found due and

payable, shall be paid to the petitioners at the earliest within an outer limit of three months.

6. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge