IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6311 of 2017
Date of Decision: 28.03.2017

Kusum Lata ...Petitioner

Vs.

Union Bank of India & Anr. ...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S. Saggu, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. Janak Raj Gupta died in harness fifteen days after a charge-sheet was issued to him by the respondent Bank alleging embezzlement of Bank money. As also indulging in fraudulent transactions at the Branch he was posted by unauthorizedly debiting money from Saving Accounts, Impersonal Accounts, Expenditure Accounts and Diversions from Income Accounts etc. He was suspended on December 28, 2010. The charge-sheet was issued on June 16, 2011 and the death occurred on July 01, 2011. The charge-sheet abated.

2. Late Janak Raj Gupta's widow is the petitioner in this case. She challenges the order dated November 07, 2016 declining request for financial assistance in lieu of compassionate appointment. Her request was declined on December 05, 2011. She came to this Court earlier in CWP No. 19173 of 2014 which was disposed of with the direction to the Bank to pass a speaking order on her claim request within three months from September 15, 2016.

3. The petitioner filed LPA No.2033 of 2016 against certain observations made by the Learned Single Judge in his order. The Appellate Bench disposed of the appeal with the clarification that the Bank will comply with the order of a Single Judge on merits without being guided or influenced by the observations made in Para. 5 of the order under appeal. The appeal was disposed of on October 17, 2016.

4. In pursuance to those directions the present order has been passed, with copy placed at Annex P.4. The request has been rejected for the reasons stated in the order. The General Manager (HR) being the competent authority has held in the order that the *ex gratia* scheme contained in Staff Circular No. 5425 dated September 08, 2007 lays down a formula which prescribes that *ex gratia* may be granted to the family of the employee in the manner and subject to the ceilings specified under the Scheme, if the monthly income of the family from all sources is less than 100% of the last drawn salary (net of taxes) of the employee to enable the family to maintain a decent standard of living after the death of the sole bread-winner. Not only this, the terms prescribe for eligibility for *ex gratia* which among other things, is satisfactory service record of the deceased employee.

5. These mandates are contained in Clauses 4.1 and 4.2 of the Staff Circular. Janak Raj Gupta's age was 53 years at the time of death. The last pay drawn was ₹ 14,104/- caused due to suspension otherwise the family monthly income of the dependents was ₹ 26,223/-. Hence, the family was not considered indigent at the point of death. It is not denied that the petitioner draws monthly pension of ₹ 19,254/- which is a tidy sum. Looking to the Articles of charge and the fact that death intervened, it

cannot be said that late Janak Raj Gupta had a satisfactory service record. *Ex gratia* appointments have to be considered strictly in terms of Rules and no grievance is possible since it is a concession and the policy suffers strict construction.

6. Heard the learned Counsel and after perusal of the detailed order dated November 07, 2016, I find nothing perverse, illegal or unconstitutional in the order. The purpose of Compassionate Financial Assistance is to tide over immediate hardship arising on account of sudden death of the employee. There are no such circumstances shown to the Court except what is argued by Mr. H.S. Saggu, that at the time of death, the petitioner had two daughters of marriageable age and a minor son. She received Provident Fund in sum of ₹ 6.84 lakhs approximately, Gratuity @ ₹ 7.11 lakhs and odd, Leave Encashment to the tune of ₹ 2 lakhs and Death Relief Fund ₹ 3 lakhs.

7. In this way, she received a total amount of ₹ 19 lakhs from the employer Bank at the time of death of her husband which is sufficient amount for a person who claims to be indigent.

8. Interference is not warranted in this case.

9. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

28.03.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*