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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5552/2017

PAWAN & ANR.

..... Petitioners

Through: Mr. M.K. Bhardwaj, Adv.

Versus

SBI THROUGH: REGIONAL MANAGER

& ANR.

..... Respondents

Through: Mr. Rajiv Kapur, Adv. for R1 and R2.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**07.07.2017**

The present petition has been filed by the petitioner with the following prayers:

“ *In the premises of the above, it is respectfully prayed that this Hon'ble Court may be pleased:-*

- (i) *To quash and set aside the impugned letter dated 19.08.2016 and issue writ of mandamus for appointment of Petitioner No.1 to any suitable post of on compassionate grounds from due date with all consequential benefits including arrears of pay.*
- (ii) *To declare the action of the Respondents in not considering the Petitioner No.1 for Compassionate Appointment as illegal, arbitrary and unjustified and issue appropriate consequential directions for considering the claim of Petitioner No.1 for appointment on compassionate grounds with all consequential benefits.*
- (iii) *To allow the Writ Petition with Cost.*
- (iv) *Such other and further order which their Lordships of this Hon'ble Court deem fit and proper may please be*

*passed.”*

Mr. M.K. Bhardwaj, learned counsel appearing for the petitioner would rely on a scheme at page 38 of the paper book, issued by the Ministry of Finance for making compassionate appointment in Public Sector Banks, to contend that in terms of this Scheme, the case of the petitioner needs to have been considered by the respondents.

On the other hand, Mr. Rajiv Kapur, learned counsel who appears for the respondents on advance notice states that the said Scheme referred to by Mr. M.K. Bhardwaj is not in vogue in State Bank of India. He has placed before this Court a Scheme of 2014, which is in vogue in the Bank to contend that only in two eventualities, compassionate appointment is considered in State Bank of India, i.e., when an employee:

- “i. dies while performing official duty, as a result of violence, terrorism, robbery or dacoity; or*
- ii. dies within five years of first appointment or before reaching the age of 30 years, whichever is latter, leaving a dependent spouse and / or minor children.”*

He has given copy of the same to the learned counsel for the petitioner, who states that in view of the stand now being taken by the respondents through their counsel, he wishes to withdraw the writ petition and challenge the vires of the Scheme.

Noting the aforesaid submission, the petition is dismissed as withdrawn.

**V. KAMESWAR RAO, J**

**JULY 07, 2017/jg**