

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4237/2017, CM No. 18503/2017**
RAVI KUAMR BHARTI

..... Petitioner

Through: Mr. K.G. Mishra, Adv. with Mr. A.V.
Malhotra, Adv.

versus

PUNJAB NATIONAL BANK

..... Respondent

Through: Mr. Rajesh Kr. Gautam & Mr. Anant
Gautam, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **16.05.2017**

CM No. 18503/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4237/2017

1. The present petition has been filed with the following prayers:-

*“It is therefore most humbly and respectfully prayed that this
Hon’ble Court may kindly be pleased to:-*

*a) direct respondent Bank to grant compassionate
allowance to petitioner as admissible under Regulation 31 of
pension regulations.*

b) Pass any other and further order(s) which may be

deemed to be just, fit & proper in favour of the Petition in the light of the facts & circumstances of the case.”

2. It is noted from the writ petition and also contended by the learned counsel for the petitioner that petitioner was removed from service on September 26, 2013. In terms of Regulation 31, the Competent Authority can grant compassionate allowance. Regulation 31, inter-alia stipulates as under:-

“31. *Compassionate Allowance*

1) An employee, who is dismissed or removed or terminated from service, shall forfeit his pension:

Provided that the authority higher than the authority competent to dismiss or remove or terminate him from service may, if –

(i) such dismissal, removal, or termination is on or after the 1st day of November, 1993; and

(ii) the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of the pension which would have been admissible to him on the basis of the qualifying service rendered up to the date of his dismissal, removal, or termination.

(2) The Compassionate Allowance sanctioned under the proviso to sub-regulation (i) shall not be less than the amount of minimum pension payable under regulation 36 of these regulations.”

3. It is the submission of the learned counsel for the petitioner that the

petitioner made a representation on October 10, 2013, wherein he has stated about his wife and himself suffering from cancer and also stated that he has two school going minor children and being the only bread earner he be granted compassionate allowance. This representation was made to the Circle Office where the petitioner was working at the relevant time. I note, that the Circle Office vide its letter dated March 07, 2014 addressed to the Chief Manager, Personal Division, Head Office, New Delhi has recommended the case of the petitioner by stating as under:-

“We understand that Sh. Ravi Kumar Bharti and his wife, both are suffering from cancer and are in urgent need of money. It is therefore again recommended that compassionate allowance in terms of Regulation 31 of PNB (Employees) pension Regulations 1995 i.e 2/3 of pension as calculated in pension sheet already provided to your office be sanctioned in favour of Sh. Ravi Kumar Bharti.”

4. Learned counsel for the petitioner states, unfortunately no decision has been taken by the Head Office. He refers to a letter dated December 15, 2015 written by the petitioner to the Chief Manager, Personal Division, Head Office, New Delhi.

5. Mr. Rajesh Kumar Gautam, Advocate who appears for the respondent, on advance notice, states that keeping in view the facts of this

case, a final decision shall be taken within two weeks.

6. Noting the aforesaid submissions made by the learned counsel for the parties, it is directed that the respondent shall take a final decision, on the representation made by the petitioner dated October 10, 2013 by considering the recommendation made by the Circle Office on March 7, 2014 within two weeks from today and communicate the same to the petitioner. If representation is considered favourably, the same shall be acted upon at the earliest, preferably within one week thereafter. The writ petition stands disposed of.

Dasti.

V. KAMESWAR RAO, J

MAY 16, 2017/ak