

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15925 of 2016

- =====
1. Shubham Srivastava, son of Late Ganesh Prasad Srivastava
 2. Savita Srivastava, widow of Late Ganesh Prasad Srivastava, both are resident of Shiv Janki Sadan, Navtolia Laheriasarai, P.O. + P.s.- Bahadurpur, District-Darbhangha.

.... Petitioners

Versus

1. Punjab National Bank through its General Manager, Personnel Administration Division, 7 Bhikaiji Cama Place, New Delhi- 110607.
2. General Manager, Punjab National Bank, personnel Administration Division, 7 Bhikaiji Cama place, New Delhi- 110607.
3. Regional Manager, Punjab National Bank, Darbhanga.
4. Senior Branch Manager, Punjab National Bank, Darbhanga.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Ram Hriday Prasad, Advocate
For the P.N.B. : Mr. Kumar Priya Ranjan, Advocate
Mr. Niraj Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-01-2018

Heard Mr. Ram Hriday Prasad, learned counsel appearing on behalf of the petitioners and Mr. Kumar Priya Ranjan, learned counsel appearing for Punjab National Bank.

The petitioners attempt to question the policy decision of the Bank dated 25.09.2014 whereby the scheme of compassionate appointment has been reintroduced. According to the petitioners who are dependents of Ganesh Prasad Srivastava, a Clerk-cum-Cashier in the Punjab National Bank, who died in harness on 08.11.2004, such scheme of compassionate appointment was stopped with effect from 31.07.2004, thus denying the benefit to the petitioners and has been introduced only on 25.09.2014 but with prospective effect.



According to learned counsel this is discriminatory and arbitrary because it denies benefit to the legal heirs of those employees who deceased in harness in the interregnum period.

I have heard learned counsel for the parties and perused the records.

In so far as the claim for compassionate appointment is concerned, since admittedly, there was no scheme existing when the Bank employee deceased, obviously the facility could not be extended to the petitioners. Now whether the policy decision so introduced vide resolution dated 25.09.2014 in so far it has a prospective effect, is ultra vires the constitutional guarantee provided under Article 14, the forum for the petitioners to challenge the same would be in separate proceedings and in a duly constituted writ petition. The petitioners if so advised can question the same by filing a fresh application but for the present no cause for indulgence is made out to the prayer made and the writ petition is disposed of with the aforesaid observation.

(Jyoti Saran, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-01-2018
Transmission Date	

