

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3258 of 2016**

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Rakesh Kumar Mishra Son of Late Trivhuan Mishra Residence of Village-  
Rawaich, Post Office- Baktiarpur, P.S.- Baktiarpur, District- Patna.

.... .... Petitioner

Versus

1. The State Bank of India through the Chief General Manager, State Bank of India, Antaghat, J.C. Road, Region-1, Patna.
2. The Assistant General Manager, State Bank of India, Antaghat, J.C. Road, Region-1, Patna.
3. The Chief General Manager, Head Office, State Bank of India, West Gandhi Maidan, Patna-1.
4. The Assistant General Manager, State Bank of India, West Gandhi Maidan, Patna-1.
5. The Branch Manager, State Bank of India, Chauhatta Branch, Ashok Raj Path, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Respondent/s : Mr. Anjani Kumar Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 30-01-2018**

Heard Mr. Gopal Govind Mishra, learned counsel for the petitioner and Mr. Anjani Kumar Mishra, learned counsel for the Bank.

The father of the petitioner died on 8.4.2007 and it is after almost a decade that he has turned up to claim a compassionate appointment relying upon the circular dated 13.5.2011, which inter alia facilitates such appointment to those who have not been paid ex-gratia lump sum amount.

A counter affidavit is filed and two aspects present therein, does not persuade this Court to grant indulgence to the prayer made,



namely,

(a) that the claim is being raised belatedly and even after five years of the circular so relied upon; and

(b) while paragraph 5 of the circular excludes such dependents from the facility of compassionate appointment who have obtained ex-gratia payment but the petitioner perhaps ignorant, has pleaded in paragraph 11 that no ex-gratia payment has been received when in fact the payment was received by his mother.

As per the statement made by the Bank at paragraphs 13 and 14 of the counter affidavit, not only ex-gratia lump sum of Rs.6 lacs has been paid to the widow but she is also receiving her family pension regularly. The statement is supported from the receiving given by the widow at Annexure R/2 to the counter affidavit and has not been contested.

The two circumstances explained, are sufficient to reject the claim advanced in the writ petition, which is accordingly disposed of.

**(Jyoti Saran, J)**

Surendra/-

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