

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14554 of 2014

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Niharika Kumari D/o Late Manju Tripathy C/o Shri S.K. pathak, Rental Flat No. 283, Kankarbagh Colony, Patna-20

.... **Petitioner**

Versus

1. The State Bank of India through the Chief General Manager, State Bank of India.
2. The Chief General Manager, State Bank of India, Local Head Office West Gandhi Maidan, Patna.
3. The Deputy General Manager, State Bank of India, Zonal Office, Patna.
4. The Assistant General Manager, State Bank of India, Zonal Office, Patna.
5. The Regional Manager Region-I, State Bank of India, Administrative Office, Patna.
6. The Branch Manager, State Bank of India, Kankarbagh Residential Branch, Patna.

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Siya Ram Shahi, Advocate and
Mr. Vibhuti Ranjan Sonvadra, Advocate

For the SBI : Mr. Anjan Kr. Mishra, Advocate &
Mr. Ambrish Bhardwaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-05-2018

Heard learned counsel for the petitioner and learned counsel for the State Bank of India (SBI).

2. Referring to the counter affidavit filed by the bank, learned counsel for the bank submits that in light of Clause 14 of “The Scheme for payment of Ex-gratia Lumpsum amount in lieu of appointment on compassionate grounds in State Bank of India” which has come into effect on 4.8.2005, even the pending application for compassionate appointment were to be considered under the new Scheme. Respondents submit that the petitioner’s case falls under the Scheme inasmuch as she made application after



coming into force the Scheme, as such he would not be entitled to anything more than the ex-gratia lumpsum amount in lieu of appointment on compassionate ground.

3. The relevant dates are that the mother of the petitioner died on 15.3.2005, whereas the Scheme in lieu of compassionate appointment has come into effect on 4.8.2005 which contains the following clause:-

“14) Date of effect of the scheme and disposal of pending applications:

The Scheme will come into force with effect from the date it is approved by the Executive Committee of the Central Board. Applications pending under the Compassionate Appointment Scheme as on the date on which this new Scheme is approved by the Executive Committee of the Central Board will be dealt with in accordance with the new Scheme for payment of ex-gratia lumpsum amount provided they fulfil all the terms and conditions of this Scheme”.

4. The petitioner had made her application for compassionate appointment on 8.9.2005, after coming into force the Scheme on 4.8.2005.

5. In view of the aforesaid position, learned counsel for the petitioner submits that the direction may be given to the Bank to expedite the payment of ex-gratia lumpsum in lieu of compassionate appointment.

6. The petitioner may approach respondent bank for getting the ex-gratia lumpsum under the Scheme which has come



into effect on 4.8.2005 along with a copy of this order within two weeks. If such claim for grant of ex-gratia lumpsum in lieu of compassionate appointment is made by the petitioner, the respondent bank would be obliged to dispose of the same in accordance with law within a period of four weeks thereafter.

7. The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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