

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15342 of 2008

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Ramji Das, son of late Nathuni Ram, resident of Village Muradpur, P.O. Baghi,
P.S. Narayanpur, Dist. Bhojpur at Arrah.

.... Petitioner/s

Versus

1. The Chief G.M., Punjab National Bank, New Delhi, 7, Bhikaji Cama Place, New Delhi.
2. The Deputy General Manager (HRD) New Delhi, 7, Bhikaji Cama Place New Delhi.
3. The Regional/Zonal Manager 'B' Region, Patna, Chanakya Place, R-Block, Patna.
4. The Manager, Punjab National Bank, Mahapur Branch, (Patna 'B' Region), Police Station Kauwakole, Dist. Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.P. Tripathi, Adv.
For the Bank : Mr. Sharad Kumar Sinha, Adv.
Mr. Amit Kumar Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-01-2018

Heard learned counsel for the petitioner and counsel for
the Bank.

The present matter relates to claim of the petitioner for
appointment on compassionate ground claiming that his father has
died, in harness and, as such, he is entitled to the compassionate
appointment in the Bank.

The necessary fact of this case is that the father of the
petitioner, namely, Late Nathuni Ram has died, in harness, on
12.6.2001 while posted as Arms Guard in the Punjab National Bank at
its Mahapur Branch (Patna 'B' Region) in Nawada district. On



account of death of the sole bread earner, the acute economic hardship was faced by the family, to tide over the financial crisis, his mother, namely, Smt. Murti Devi applied for some immediate financial assistance such as gratuity, provident fund, leave encashment etc. and also requested for appointment on compassionate ground.

The present petitioner is the only son of the deceased employee. The Bank has sent some queries which was replied by the petitioner and submitted an affidavit duly sworn before the Executive Magistrate, Bhojpur, Ara. All the formalities were done by the petitioners but, the Bank has failed to extend the benefit of compassionate appointment to the petitioner. The family remained in the financial distress, claimed to be the member of scheduled castes, deserves protection in law.

From the counter affidavit, it appears that as the scheme of compassionate appointment was substituted by payment of ex-gratia and the Bank offered the payment of ex-gratia amount which has been accepted. Accordingly, the same was sanctioned and the mother of the petitioner has been paid the entire amount including ex-gratia amount.

Learned counsel for the petitioner has submitted that the Bank has made payment without knowledge to the mother that the amount of ex-gratia has also been included and, as such, the petitioner deserves for compassionate appointment.



From the counter affidavit filed by the Bank, it appears that during the life time of the father of the petitioner, he was living separately and, as such, he was not dependent on his father.

Be that as it may, when the mother has already received the ex-gratia amount in lieu of the compassionate appointment, now the petitioner cannot challenge the authority of the mother of to accept ex-gratia amount. When payment has been made to the mother of the petitioner, the question of compassionate appointment does not arise.

In view of the above, this writ application is wholly misplaced and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
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