

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1289 of 2016

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1. Dheeraj Kumar Son of Late Vinod Kumar Singh, Resident of Prabhunath Nagar,
P.O. Tari Near Bhagwat Baba, P.S. - Chapra Mufassil, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The Chairman, Uttar Bihar Gramin Bank, Head Office - Kalambagh Chowk, Muzaffarpur.
2. The General Manager (Personnel), Uttar Bihar Gramin Bank, Head Office - Kalambagh Chowk, Muzaffarpur.
3. The Regional Manager, Uttar Bihar Gramin Bank, Regional Office, Chapra.
4. The Union of India through Ministry of Finance, Government of India
5. The NABARD, Patna, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Adv. Mr. Ram Binod Singh, Adv.
For the Respondent/s	:	Mr. Prabhakar Jha, Adv. Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-01-2018

Heard Mr. Prashant Sinha, learned counsel for the petitioner,
Mr. Prabhakar Jha, learned counsel for the Uttar Bihar Gramin Bank
and its functionaries, Mr. Rajesh Kumar Verma, learned Central
Government counsel for the respondent No.4 and learned counsel for
the NABARD are present.

The petitioner is aggrieved by the order dated 18.8.2015 of the
Regional Manager, Uttar Bihar Gramin Bank, Chapra whereby the
application of the widow of the deceased employee has been rejected.

Facts are not in dispute. The father of the petitioner working as



Officer in Scale- I in the Regional Office at Chapra and died in harness on 25.6.2015 within the Bank premises. The family of the deceased employee was provided with the terminal benefits but due to sudden demise of the husband who was the bread earner for the family that the widow vide her application dated 22.7.2015 at Annexure-3 applied for compassionate appointment of her elder son who is the petitioner before this Court which has been rejected by the order impugned dated 18.8.2015.

Reliance was placed by the learned petitioner counsel to a coordinate Bench decision of this Court rendered in **C.W.J.C.No.10371 of 2012 (Rajesh Kumar Ram Vs. Uttar Bihar Gramin Bank & Ors.)** which was heard analogous with several writ petitions, in support of the claim and to submit that vide judgment and order present at Annexure-4 dated 21.08.2015 the claim for compassionate appointment of those writ petitioners in similar situation, was allowed. As taken note of, the claim of the petitioner was rejected vide order impugned dated 18.8.2015 of the Regional Manager, Chapra impugned at Annexure-5. The Regional Manager while rejecting the request informed the petitioner of the policy decision on compassionate appointment which was provided in circumstances where the death of the employee took place during the course of dacoity or in terrorist activity or similar situations or



within 5 years of his service or before completion of 30 years, and since the case in hand was not of such nature, the request was rejected.

Reliance was also placed by learned counsel for the petitioner on a Circular of the Ministry of Finance dated 7.8.2014, a copy of which is at Annexure 6 to submit that the case of the petitioner was covered under the stipulations present at paragraph 1 and since it extended to all Public Sector Banks, the case of the petitioner would be guided by the Circular.

A counter affidavit is filed and Mr. Jha learned counsel for the petitioner has while making reference to the Division Bench opinion in the case of **Rajesh Kumar Ram** (supra) enclosed at Annexure-D to the counter affidavit has submitted that the Division Bench taking note of the entire circumstances governing the issue has dismissed the Letters Patent Appeal while setting aside the judgment of the Single Judge. He informs that even the Special Leave Petition preferred by the writ petitioners has been dismissed as withdrawn. As regarding the policy relied upon by the petitioner enclosed at Annexure-6 he submits that the Regional Rural Banks are governed by the Model Scheme dated 24.8.2006 and which provides for compassionate appointment only in limited circumstances as discussed in the impugned order at Annexure-5. He submits that since the case of the



petitioner does not fall within the said category, the claim cannot be accepted.

Since the argument of the learned counsel for the petitioner was that the policy decision circulated by the Ministry of Finance would equally cover the Regional Rural Bank that this Court directed that the Union of India be added as party respondent No.4 along with the National Bank for Agriculture & Rural Development (hereinafter referred to as 'the NABARD') under whose advisory these Rural Banks are functioning. A counter affidavit is filed on behalf of the Union of India and paragraphs 4 and 5 of the counter affidavit so filed today puts at rest all speculations advanced by the learned counsel for the petitioner. While explaining that the respondent Bank is one of the many Regional Rural Banks it is informed that they do not come under the category of Public Sector Banks. At paragraph 5 the position has been cleared that the circular relied upon by the petitioner is exclusively meant for the Public Sector Bank.

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

Even though heavy reliance has been placed by learned counsel for the petitioner to the Circular of the Ministry of Finance dated 7.8.2014 at Annexure-6 to submit that it would govern the claim of deceased employee of Regional Rural Bank but in my opinion the



argument is fallacious because neither does the Circular complains any stipulation of being extended to Regional Rural Banks nor does it make any comment of superseding the circulars earlier issued by the Regional Rural Bank and in which circumstances the specific stand taken by the Uttar Bihar Gramin Bank in their counter affidavit at paragraphs 6 to 10 read alongside the statement of the Union of India at paragraph 2 and the advisory of the 'NABARD' dated 29.9.2008 together with the Modified scheme enclosed therewith at Annexure N/1 of the counter affidavit of respondent no. 5 are sufficient to uphold the rejection order put to challenge. The claim of the petitioner cannot be guided by the Circular of the Ministry of Finance which exclusively extends to Public Sector Banks. The rejection of the claim of the petitioner by the impugned order dated 18.8.2015 is inconformity of the revised Model Scheme on compassionate appointment which is in force in the Regional Rural Banks since September 2008 having the approval of the Ministry of Finance and having been circulated by the Regional Rural Banks as confirmed from the Annexure-R/1 of the counter affidavit of the Union of India.

Although Mr. Singh, informs that some kind of consultation is going on in between 'NABARD' and the Government of India as for extending the Circular dated 7.8.2014 to Regional Rural Bank but that in my opinion is a futuristic course. For the present it is the guidelines



in force which would cover the case of the petitioner and the legal position discussed, does not aid the petitioner.

For the reasons discussed, the rejection order impugned at Annexure-5 suffers no infirmity requiring interference.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	A.F.R.
CAV DATE	NA
Uploading Date	15.02.2018
Transmission Date	NA

