

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18790 of 2017

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1. Sushila Mishra, Wife of Late Chandra Shekhar Mishra, Resident of Village-Umarpur, P.O.-Paiga, P.S.-Bheldi, District-Saran, Presently residing at Gurukul Mehiyan, P.S.-Chapra Muffasil, District-Saran
 2. Rashmi Mishra @ Rashmi Tiwari, Daughter of Late Chandra Shekhar Mishra, Wife of Nirbhay Tiwari, Resident of Village-Umarpur, P.O.-Paiga, P.S.-Bheldi, District-Saran, Presently residing at Gurukul Mehiyan, P.S.-Chapra Muffasil, District-Saran

... .. Petitioner/s

Versus

1. The Uttar Bihar Gramin Bank Through Its Chairman Having its Head Office at Sharma Complex, Kalambagh Road, Muzaffarpur,
2. The Chief General Manager, Uttar Bihar Gramin Bank javing his Office at Sharma Complex, Kalambagh Road, Muzaffarpur,
3. The Regional Manager, Uttar Bihar Gramin Bank, Regional Office, Darbhanga, having his Office at Devendralok Complex, Laheriasarai, Darbhanga,
4. The Union of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
5. The National Bank for Agriculture and Rural Development, though its Chairman, Mumbai.
6. The Regional Manager, National Bank For Agriculture and Rural Development, patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the Respondent (NABARD)	:	Mr. Chitranjan Sinha, Sr. Advocate
		Mr. Siddhartha Prasad, Advocate
For the Bank	:	Mr. Prabhakar Jha, Advocate
For the UOI	:	Mr. Awadesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-05-2018 The writ petitioners by way of the present writ petition have prayed for issuance of necessary direction upon the respondents authorities of the Bank to consider the case of compassionate appointment of the daughter of the petitioner No. 1 i.e. the petitioner No. 2 since the husband of the petitioner No.



1 died in harness on 16.05.2013 while working as Office Assistant with the Respondent Bank.

Without going into the factual aspects of the case, it would suffice to state here that there is no scheme for appointment on compassionate ground in case of death of any employee of the respondent Bank in harness and instead, ex-gratia lumpsum amount is only required to be given to the dependent of the deceased employee. This aspect of the matter has been considered by the learned Division Bench of this Court in a judgment dated 01.03.2017 passed in L.P.A. No. 1568 of 2015, paragraph Nos. 15 and 16 whereof are reproduced hereinbelow:-

“15. If these facts are taken in totality, coupled with the fact that the policy for compassionate appointment has not been in vogue for more than a decade now in the Bank, the direction to provide compassionate appointment in terms of the order of the learned Single Judge would amount to rewriting the policy through a judicial order, which is not permissible in law.

16. In totality, therefore, the Court is convinced that a case is made out for interference with the order of the learned Single Judge dated 28th January, 2015, passed in C.W.J.C. No. 10371 of 2012 and quash the same wherein a direction was issued for providing compassionate appointment to the private respondent under the Bank.”



In fact, this aspect of the matter is no longer res integra inasmuch as this Hon'ble Court by an order dated 15.01.2018 passed in C.W.J.C. No. 1289 of 2016 has also reiterated that neither there is any policy for making appointment on compassionate ground nor the policy decision circulated by the Ministry of Finance governs the Regional Rural Banks nor the Regional Banks like the respondents are public sector Banks warranting application of the policy circulated by the Ministry of Finance.

Moreover, the present case is admittedly not a case covered by the Model Scheme dated 24.08.2006 since there is no provision for grant of appointment on compassionate ground in case of death of an employee in harness on account of normal circumstances and the only provision is for payment of lumpsum ex-gratia amount in lieu of appointment on compassionate ground. In the present case, the petitioner No. 1 had in fact applied for grant of payment of ex-gratia amount in lieu of appointment on compassionate ground by her application dated 04.11.2013, annexed as Annexure-3(A) to the writ petition.

Having regard to the facts and circumstances of the present case, as also upon hearing the learned counsel for the



parties, this Court is of the opinion that there is no provision for appointment on compassionate ground, in a case like the present one, and the respondents are only required to pay lumpsum ex-gratia amount to the dependent / legal heir of the deceased employee, who dies in harness.

This aspect of the matter has been decided in a catena of judgments, as referred to hereinabove and in fact, the aforesaid judgment dated 01.03.2017 passed in L.P.A. No. 1568 of 2015 has also been affirmed upto the Hon'ble Supreme Court inasmuch as the Special Leave Petition bearing S.L.P. (C) No. 19814 of 2017 has been dismissed as withdrawn by the Hon'ble Apex Court by an order dated 11.08.2017.

For the reasons mentioned hereinabove, there is no merit in the present writ petition, hence, the same is dismissed, but, without any order as to cost.

(Mohit Kumar Shah, J)

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