

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7605 of 2015

=====

Sushma Kumari wife of Late Manoj Kumar Rajak Resident of Bhagwat Nagar P.s.-
Agamkuan Town & District- Patna Petitioner

Versus

1. Chairperson And Managing Director, Bank of India , BKC, Bandra (E) Mumbai- 400051.
2. Deputy General Manager (HR) (Transfer & Placement Division) Bank of India Star house, C-5 G Block, Bandra Kurla complex, Bandra (East), Mumbai- 400051.
3. Zonal Manager Bank of India, Birchand Patel Marg, Patna.
4. Branch Manager Bank of India S.K. Nagar Branch, Patna.

..... Respondents

=====

Appearance :

For the Petitioner : Mr. Akhilesh Dutta Verma, Advocate

For the Respondents : Mr. Braj Nandan Kumar Tiwary,

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-02-2018

Heard counsel for the petitioner and the State.

The petitioner has prayed for quashing Memo dated 12.12.2014 (Annexure 6), issued by the Deputy General Manager (HR), Transfer & Placement Division, Human Resources Department, Bank of India (respondent no.2), whereby her prayer for compassionate appointment in the bank has been rejected.

Counsel for the petitioner submits that the petitioner's claim for compassionate appointment in place of her husband who died in harness on 21.2.2014 while working as staff clerk on deputation at Fraser Road main branch of the Bank of India, has been rejected by the respondent bank saying that the scheme for payment of ex-gratia lump sum in lieu of compassionate appointment was introduced in the bank and was in vogue since 6.11.2007. Respondent bank has further stated that the petitioner was not entitled to benefit of compassionate appointment as her husband died on 21.2.2014 during which period there was no



compassionate appointment in the organization. The petitioner has alleged that 17 appointments had been offered on compassionate ground during the said period when the compassionate appointment was not applicable to the employees of the bank and scheme for payment of ex-gratia lump sum was in vogue.

Respondents have filed counter affidavit placing on record the scheme for payment of ex-gratia lump sum. Clause (3) (II) provides/refers to the applicability of the scheme for compassionate appointment only in cases where the employee dies performing his official duty as a result of violence, terrorism, robbery or dacoity, or if the employee dies within five years of his first appointment or before reaching the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children. The petitioner’s claim does not fall in the said exceptions provided in the scheme.

In view of the aforesaid position, this Court is not inclined to interfere with the impugned order dated 12.12.2014 (Annexure 6) by which the petitioner has been refused compassionate appointment.

The writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	22.2.2018
Transmission Date	NA

