

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5739 of 2016

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1. Kundan Kumar Son of late Kailash Bhagat Resident of Mohalla- East Lohanipur,
Railway Hunder road, near Corporation School, Kadamkuan, Patna Bihar.

.... Petitioner/s

Versus

1. The Chairman, State of Bank of India, Corporate Centre, Madam Cama Road,
Nariman Point Mumbai.
2. The Chief Manager, State Bank of India, Chauhatta Branch, Ashok Raj Path,
Patna.
3. The Assistant General Manager, State Bank of India, Patna Secretariat Branch ,
Patna.
4. The Branch Manager, State Bank of India, chauhatta Branch , Ashok Raj Path,
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sunita Kumari, Adv.

For the Respondent/s : Mr. Anjani Kumar Mishra, Adv.

Mr. Ambarish Bhardwaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-04-2018

Ms. Sunita Kumari learned counsel appearing for petitioner and
Mr. Anjani Kumar Mishra learned counsel appearing for the State
Bank of India.

In the nature of the order this Court proposes to pass it would
not be required to delve into the merits of the case.

The grievance of the petitioner is that the application for his
appointment on compassionate grounds, a copy of which is enclosed
at Annexure- 3 to the writ petition, remains pending with the Chief
Manager, State Bank of India, Chauhatta Branch, Ashok Raj Path,



Patna.

Facts of the case briefly noted is that the father of the petitioner while serving as a Manager in the respondent Bank died in harness on 04.03.2013. A copy of the death certificate is enclosed at Annexure 2. After death of the employee, the widow filed an application for appointment of the petitioner on compassionate grounds, which application dated 11.05.2013 is enclosed at Annexure 3 to the writ petition. When nothing moved on the request so made by the mother of the petitioner for his compassionate appointment despite representations to the Chairman, that he is before this Court.

The short submission made by Ms. Sunita Kumari appearing for the petitioner is that the application remains pending.

On the other hand, Mr Anjani Kumar Mishra learned counsel for the Bank invites the attention of this Court to Scheme enclosed at Annexure R/1 to the counter affidavit to submit that the petitioner does not come within the purview of the Scheme of compassionate appointment and since his mother has already received the ex gratia amount in lieu of compassionate appointment, he can raise no further claim.

According to Ms. Sunita Kumari appearing for the petitioner, the receiving of the ex-gratia by the mother of the petitioner cannot take away the right of consideration of the petitioner for



compassionate appointment because it was on the pressure of the bank that the mother of the petitioner was forced to accept and which amount the petitioner is willing to refund.

Be that as it may, in my opinion, if the mother of petitioner had filed an application for appointment of the petitioner on compassionate grounds as manifest from her letter dated 11.05.2013 at Annexure 3, the application required disposal and the respondents can not sit over the same or refuse its disposal simply because the mother of the petitioner has accepted the ex gratia amount. If the petitioner was entitled to a compassionate appointment on the facts accompanying, it had to be disposed of accordingly and simply because the mother of the petitioner has received the ex gratia amount, would not dilute the claim.

In the circumstances discussed, I deem it proper to direct the Chief Manager, State Bank of India, Chauhatta Branch, Ashok Raj Path Road, Patna to ensure the disposal of the application of the mother of the petitioner for his compassionate appointment dated 11.05.2013 expeditiously and considering the nature of the grievance raised, let the disposal take preferably within a period of three months from the date of receipt / production of the copy of judgment. The receipt of the ex gratia amount by the mother of the petitioner would be no obstruction to such disposal rather the consideration has to be



made independent there of and in case the respondents are persuaded with the request so made, it goes without saying that the petitioner would be bound to make refund of the ex gratia so received by his mother.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.05.2018
Transmission Date	NA

