

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10918 of 2017

Prashant Kumar, son of Late Indrajeet Kumar, resident of Village + P.O. -
Dighi Kala Purbi, P.S. - Hajipur Sadar, District - Vaishali, Hajipur.

... .. Petitioner

Versus

1. Uttar Bihar Gramin Bank, through its Managing Director, Head Office, Kalambagh Chowk, P.S. - Kazimohammadpur, District - Muzaffarpur.
2. Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, P.S. - Kazimohammadpur, District - Muzaffarpur.
3. Managing Director, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, P.S. - Kazimohammadpur, District - Muzaffarpur.
4. General Manager (Personal), Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, P.S. - Kazimohammadpur, District - Muzaffarpur.
5. Senior Manager (Personal), Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, P.S. - Kazimohammadpur, District - Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Nutan Sahay, Advocate
For the Respondent/s : Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 10-10-2018

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

2. In this case, the petitioner has prayed that he should
be granted the benefit of compassionate appointment in view of
the scheme floated and accepted by the Uttar Bihar Gramin
Bank.

3. The father of the petitioner was working as Branch
Manager in the Bank and in the year 2014 the father of the



petitioner was killed while he was returning to his residence. As has been stated that the mother of the petitioner has re-settled much earlier as she has entered into the re-marriage to third person. So the mother of the petitioner has no concerned with the present petitioner. After the death of his father, the petitioner filed an application for compassionate appointment.

4. The claim has been made by the petitioner that the Bank has wrongly not granted the benefit of compassionate appointment. The petitioner is placing reliance on the Circular of 2014, by which again the scheme of compassionate appointment has been introduced. But, the explanation has come from the Bank that this scheme/Circular is confined to the Commercial Banks only not to the Regional Rural Banks (R.R.B.) and placed reliance on the order passed in C.W.J.C. No.1289 of 2016 (Dheeraj Kumar vs. The Chairman, Uttar Bihar Gramin Bank and Ors.). This Court has examined the Circular of 2014 and held that the Circular of 2014 is applicable to the Commercial Banks and cannot be applicable to the Regional Rural Banks.

5. In such view of the matter, the Circular of 2014 issued by the Finance Department cannot be an aid to the petitioner as it is not applicable to the employees of the



Regional Rural Banks. However, the petitioner may apply for *ex gratia* amount by filing appropriate application. If such an application is filed, the Bank would consider the same and if the petitioner comes within the four corners of the provision of the scheme of the *ex gratia*, in such circumstance, the Bank would ensure payment of *ex gratia* amount. While considering the claim of the petitioner, the Bank would consider the pendency of this case before this Court as the petitioner has claimed compassionate appointment and it should not be related on the ground of delay in filing the application for scheme of *ex gratia* payment. All the exercise should be completed by the Bank within a period of four months from the date of filing of application by the petitioner. If the Bank is of the view that the petitioner would not be governed by the scheme, in such circumstance, they must assign the reasons for rejection of the claim of the petitioner.

6. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	12.10.2018
Transmission Date	N/A.

