IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6796-2009 (O&M)
Date of Decision:-20.03.2018.

Prabjot Singh

.....Petitioner

Versus

Viyaya Bank and others

......Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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Present: Mr. Sanchit Punia,Advocate for the petitioner.

Mr. Aalok Jagga, Advocate for the respondents.

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P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged orders dated 22.12.2008 and 12.02.2009 (Annexures P-6 and P-8, respectively) by which his claim for *ex-gratia* benefit has been rejected.

(2.) Learned counsel for the petitioner submitted that during pendency of the application for *ex-gratia* amount petitioner's brother Sh. Karamjeet died. Consequently, the share is required to be considered only with reference to petitioner since petitioner's mother did not make any application. Therefore, family income cannot be taken into consideration in respect of petitioner's mother for the purpose of considering *ex-gratia* amount. The respondents-Bank have considered income and liabilities of loan. Thereafter, they have calculated income for ₹ 3,32,563/- which is more than the 60%. Consequently, petitioner is not entitled for *ex-gratia* amount, such decision would be incorrect. It was further submitted that only petitioner's income is required to be taken into consideration. Therefore, petitioner is entitled to *ex-gratia* benefit. Perusal of the applicability of the claim of *ex-gratia* in particularly clause 1.10, it is crystal clear that overall dependents income is to be taken into consideration while verifying claim of *ex-gratia*. Therefore, petitioner's contention is contrary to the aforesaid provision. Moreover, the calculation of income is required to be taken into consideration as on the date of death of the deceased employee and any subsequent event like dependent brother's death and his income, if any, the same cannot be considered is untenable for the reasons that *ex-gratia* payment is required to be considered only with reference to date of death of the deceased employee and consequential monetary benefits which is due is required to be extended to the dependents of the deceased employee. In view of these facts and circumstances, petitioner has not made out a case.

(3.) Hence, writ petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

March 20, 2018.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.