IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10610-2016 (O&M)
Date of Decision:-05.04.2018.

Rajvir

.....Petitioner

Versus

Union Bank of India and others

......Respondent

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

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Present: Mr. Praveen Gupta, Advocate for the petitioner.

Mr. Saurabh Bhardwaj, Advocate for the respondents.

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P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the letter dated 09.05.2016 and 18.11.2015 by which petitioner's claim for compassionate appointment has been rejected.

2.) Petitioner's father Late Sh. Ram Krishan died on 13.10.2014. At the relevant point of time petitioner was working as a labourer. Petitioner's name was recommended for the purpose of compassionate appointment on 25.09.2015 and it was rejected on 18.11.2015. Hence, the present petition.

3.) Learned counsel for the petitioner submitted that rejection of petitioner's grievance is not a speaking order. Further there is no policy for the purpose of compassionate appointment so as to contend that petitioner's family income is more than 100%. In the Compassionate appointment scheme dated 19.01.2015, there is no ceiling limit relating to family income so as to deny the benefit of compassionate appointment. On the other hand, authorities have considered income of the family from all sources and rejected the claim. Thus, the decision of the authority in rejecting the petitioner's claim for compassionate appointment is highly arbitrary and illegal and so also contrary to the policy dated 19.01.2015 vide Annexure P-11.

4.) *Per contra* learned counsel for the respondents while resisting the petitioner's contention submitted that petitioner's father died on 13.10.2014 whereas the scheme of appointment on compassionate ground was introduced on 19.01.2015 with reference to the death/retirement on medical ground occur on or after 05.08.2014. Thus, petitioner's case is covered under 19.01.2015 policy. It was submitted that in para 2 of the policy consists of 2 things. One is what is the date of effect of the policy. The other one is application of 8.9.2007 policy for payment of lump sum *ex gratia*. Learned counsel for the respondents further submitted that as per 8.9.2007 policy for the purpose of extending benefit of *ex gratia* monthly income of the family from all sources should be less than 100% of the last drawn salary (net of taxes) of the employee to enable the family to maintain a decent standard of living after the death of the sole bread winner. This clause is attracted for compassionate appointment. Therefore, there is no infirmity in the communication dated 18.11.2015.

5.) Heard learned counsel for the parties.

6.) Crux of the matter in the present case is whether scheme of appointment on compassionate ground dated 19.01.2015 alone is applicable or it should be read with 8.9.2007 policy (Annexures P-11 and P-12, respectively). Having regard to the fact that the petitioner's father died on 13.10.2014 read with para 2 of the 19.01.2015 policy, 19.01.2015 policy is applicable for the purpose of considering petitioner's name for compassionate appointment. The respondents have wrongly interpreted that even for the purpose of compassionate appointment eligibility criteria for *ex gratia* payment is applicable whereas para 2 of the compassionate appointment policy dated 19.01.2015 is crystal clear that *"Staff Circular No.5425 dated 08.09.2007 will be applicable for payment of lum sum ex gratia, if the dependents are otherwise eligible for the same."* Therefore, one has to draw inference that 08.09.2007 policy is applicable only in respect of extending the benefit of *ex gratia* while implementing the 19.01.2015 policy and it is not relating to compassionate appointment. Thus, respondents have erred in rejecting petitioner's claim for compassionate appointment. Accordingly, Annexure P-9 dated 18.11.2015 is set aside. Respondents are hereby directed to consider petitioner's name for compassionate appointment without applying the eligibility criteria for *ex gratia* as stated in policy dated 08.09.2007 since no income ceiling limit had been stipulated in the policy dated 19.01.2015. Such re-consideration shall be done within a period of 3 months from today. Further respondents are also directed to consider whether petitioner is entitled to *ex gratia* or not. To that extent also, a speaking order be passed within the aforesaid time limit.

7.) Accordingly, writ petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

April 05, 2018.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.