

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-22491-2012 (O&M)
Date of decision:21.03.2018**

Harbans Kaur and another

...Petitioners

Versus

State Bank of Patiala and another

.... Respondents

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

Present: Mr. H.C.Arora, Advocate for the petitioners.

Mr. H.N.Mehtani, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

Short question for consideration in the present petition is whether petitioner is entitled to compassionate appointment or not?

2. Husband of petitioner No.1 while working as Clerk with the respondent-Bank died on 20.02.2005. As on that date relevant policy for compassionate appointment is dated 04.10.1983. In view of the 1983 policy petitioner No.1 or No.2 should have made necessary application seeking compassionate appointment within one year from the date of the death of the employee i.e. prior to 19.02.2006. Whereas petitioner is stated to have submitted application for extending the benefit of ex-gratia on 08.06.2006.

Ex-gratia benefit could be granted only to such of those legal heirs of the deceased employee, if deceased employee died on or before 06.10.2005. Even assuming that application dated 08.06.2006 is to be converted into that of ex-gratia to that of compassionate appointment still petitioners do not fulfill the requisite condition stated in the 1983 policy to the extent that application should have been filed within one year from the date of death of the deceased employee. Moreover compassionate appointment is not a fundamental right as held by the Supreme Court and family survived from 2005 to this day and the object of giving compassionate appointment is to meet immediate harness in the family. In view of these facts and circumstances, petitioners have not made out a case.

3. Accordingly, CWP stands dismissed.

21.03.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No