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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22462-2015

Date of Decision : August 18, 2018

Naresh Kumar

.... Petitioner.

Versus

Oriental Bank of Commerce
and others.

.... Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Johan Kumar, Advocate
for the petitioner.

Mr. R.N. Lohan, Advocate,
for the respondents.

SHEKHER DHAWAN, J.

Present writ petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari to set-aside the order dated 14.07.2014 (Annexure P/12) whereby the claim of the petitioner for compassionate appointment and other benefits under Policy dated 05.05.2005 (Annexure P/5) was rejected by the respondent-Oriental Bank of Commerce (hereinafter referred as "the respondent-Bank").

2. The matter in controversy involves appointment of the petitioner on compassionate grounds after the death of his father, Dalel Singh, who was working as a Clerk. Dalel Singh had died on 20.9.2004 during service, whereas he was due for retirement on 30.11.2018.

3. The petitioner asserted his claim on the ground that he was

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entitled to seek appointment on compassionate grounds, but the respondent-Bank rejected his claim and he was asked to apply for ex-gratia payment as per new scheme introduced on 5.5.2005 (Annexure P/5). Thereafter, the petitioner moved an application on 25.10.2005 and the same was rejected by the respondent-Bank.

4. Learned counsel for the petitioner contended that the respondents have wrongly decided the claim of the petitioner taking income of the family to be in excess of 60% of the gross monthly salary of the deceased and in terms of the scheme dated 5.5.2005, the family was entitled to seek ex-gratia amount.

5. To the contrary, the respondents asserted that the claim of the petitioner has rightly been declined by the Bank.

6. As is the controversy before this Court, the same involves determination of rights of the parties after leading evidence and present writ jurisdiction shall not be the appropriate remedy. As such, the writ petition stands dismissed leaving the parties to avail their alternative remedy available as per law. However, in case such a claim is raised, the parties shall be at liberty to raise their all respective pleas including regarding applicability of scheme dated 5.5.2005 (Annexure P/5) as well.

7. The writ petition stands disposed of accordingly.

(SHEKHER DHAWAN)
JUDGE

August 18, 2018.

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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes