

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

CWP-25024-2016 (O&M)

Date of Decision: 23.01.2018

Brij Sharma

... Petitioner

Vs.

Central Bank of India and others

... Respondents

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

Present : Mr. M.S. Dua, Advocate for the petitioner.

Mr. I.P. Singh, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the orders dated 20.4.2015 and 9.5.2016 (Annexure P-9 and P-12).

Petitioner is wife of deceased Shri Vijay Kumar Sharma. Shri Vijay Kumar Sharma while he was in service died on 13.10.2012. Petitioner submitted an application for appointment on compassionate ground on 20.11.2012. Respondents failed to take any action on the petitioner's application for compassionate appointment. Thereafter, petitioner submitted applications for extending ex-gratia lump-sum amount on 10.1.2014, January 2015 and 09.11.2016. The same has been rejected vide orders dated 20.4.2015 and 9.5.2016. Hence, the present petition.

Petitioner is entitled for ex-gratia lump-sum amount in lieu of appointment on compassionate ground in view of circular dated 16.06.2006. The respondents should have rejected the petitioner's application for compassionate appointment and suggested for making necessary application for the purpose of extending ex-gratia lump-sum amount in lieu of appointment on compassionate ground pursuant to the circular dated 16.6.2016. On the other hand, they did not pass any order either rejecting or

accepting the application of the petitioner for compassionate appointment. Therefore, petitioner submitted applications for extending ex-gratia lump-sum amount on 10.1.2014, January 2015 and 09.11.2016. The same has been rejected vide orders dated 20.4.2015 and 9.5.2016 on the ground that application received after stipulated period of submission i.e. within 6 months after the date of death of the employee. As such, unable to consider the application. Whereas the respondents slept over the matter on the petitioner's application for compassionate appointment. In other words, there is total inaction on the part of the respondents in not informing the petitioner that there is no provision for extending the benefit of compassionate appointment on compassionate ground and there is a provision for extending ex-gratia lump-sum instead of appointment on compassionate ground. Therefore, rejection of the petitioner's application for extending ex-gratia amount on the ground of delay is highly arbitrary and illegal. Consequently, order dated 20.4.2015 (Annexure P-9) and order dated 09.05.2016 (Annexure P-12) are set aside. Respondents are hereby directed to extend ex-gratia benefit to the petitioner pursuant to the circular dated 16.6.2006 within a period of three months from today. Petitioner is also entitled to interest @ 6% per annum on the ex-gratia amount from 20.11.2012 the date on which petitioner submitted application for compassionate appointment. The same shall be calculated and disbursed.

Petition stands allowed in the above terms.

23.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**