

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

LPA No. 23 of 2018 (O&M)

Date of decision: 9.1.2018

State Bank of India and others

.. Appellants

VS

Maya Devi

.. Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Akshay Jain, Advocate, for the appellants.

Rajesh Bindal, J.

The bank has challenged the judgment of learned Single Judge allowing the writ petition filed by the respondent, whereby her claim for compassionate appointment was allowed.

In the case in hand, late husband of the respondent was appointed on 7.3.1998 as a Peon-cum-Frash with the erstwhile State Bank of Patiala now merged with State Bank of India. He died during service at the age of 44 years leaving behind his widow and two minor daughters, on 3.6.2016. As the case of the respondent for compassionate appointment was rejected, writ petition was filed, which was allowed by the learned Single Judge.

Learned counsel for the appellants submitted that the direction given by the learned Single Judge is contrary to the circular dated 3/4.8.2011 pertaining to compassionate appointment. In terms thereof, the respondent was not eligible as her husband had not died either within five years of the date of joining or before reaching the age of 30 years,

whichever is later. The idea behind is that upto five years in service, there may be small corpus with the deceased or the savings may be quite meager to support the family which may be more thereafter. Hence, there may not be any need of any compassionate appointment. The widow is otherwise getting family pension.

After hearing learned counsel for the appellants, we do not find any merit in the present appeal. The issue has been considered threadbare by the learned Single Judge and it was opined that as per the scheme, the compassionate appointment is to be made in exceptional cases and the case of the respondent was in fact, exceptional, as the employee died at the age of 44 years leaving behind his widow and two minor daughters and was still having 16 years of service left till the age of superannuation. Further he was working merely as a peon. Compassionate appointment in such exceptional circumstances is meant to support the family. Explanation sought to be given by the bank does not have any nexus with the object sought to be achieved, rather the interpretation given by learned Single Judge has done complete justice between the parties.

While concurring with the view expressed by learned Single Judge, we do not find any merit in the present appeal. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

9.1.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No