

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4110 OF 2019

**RAVINDRA RANGNATH SALVE AND ANOTHER
VERSUS
BANK OF BARODA THROUGH MANAGING DIRECTOR BARODA
AND OTHERS**

...
Advocate for Petitioners : Kawade Arvind R.

...
**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 10/06/2019

PER COURT :

Heard the learned advocate for the petitioner. The learned advocate submits that the name of the petitioner for compassionate appointment is not considered in its correct perspective by the respondent bank. The father of the petitioner applied for voluntary retirement on medical grounds on 12/4/2016. On the said date he was aged 54 years and 11 months. Clause B of the Scheme dated 18/2/2016 would not be an impediment for claiming compassionate appointment. The learned advocate submits that the provision will have to be interpreted in the beneficial manner. The father of the petitioner had completed 54 years of age. He was below 55 years. In view of the scheme relied by the bank the same would not apply.

2] The relevant clause of the scheme dated 18/2/2016 relied by the petitioner reads thus :

“The scheme for compassionate appointment or payment of ex-gratia financial relief as detailed in the following paras will be applicable to a dependent family member of a permanent employee of the bank who :

a] Dies while in service (including death by suicide)

b] is retired on medical grounds due to incapacitation before reaching the age of 55 years.

(incapacitation is to be certified by a duly appointed Medical Board in a Government Medical/Government District Head Quarters Hospitals/Panel of Doctors nominated by the Bank for the purpose).”

3] The father of the petitioner sought V.R.S. and retired w.e.f. 12/9/2016. The said VRS was granted pursuant to the application of the father of the petitioner dated 3/9/2016 as is referred to in the relieving order. Admittedly on 12/9/2016 the father of the petitioner had crossed 55 years of age. On the date father of the petitioner stood retired, he had crossed 55 years of age. In view of the clause referred to supra the petitioner is not entitled for the benefit of the compassionate appointment.

4] Writ Petition accordingly stands disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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