

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

WRIT PETITION NO. 3980 OF 2018

Madhuri Uday Netkar	.. Petitioner
Versus	
The Union of India and others	.. Respondents

Shri Ravindra M. Deshmukh, Advocate for Petitioners.
Shri Bhushan B. Kulkarni, Advocate for the Respondent No. 1.
Shri Chaitanya V. Dharurkar, Advocate for Respondent Nos. 2 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 08TH APRIL, 2019.

FINAL ORDER :

1. Mr. Deshmukh, the learned counsel for the petitioner submits that, the father of the petitioner died in harness in the year 2011. The mother of the petitioner was paid ex-gratia payment of Rs. 7,00,000/- . The petitioner and her mother are ready to return the said amount. The claim of the petitioner be considered for appointment on compassionate ground. The respondents are not considering the same. It is against the circular dated 18.02.2018 and 12.11.2007.

2. Mr. Dharurkar, the learned counsel for respondent bank submits that, the scheme under circular dated 18.02.2018 is applicable, if the employee dies after the year 2014. The father

of the petitioner died in the year 2011. In view of the scheme applicable then ex-gratia payment of Rs. 7,00,000/- is made to the mother of the petitioner.

3. The scheme under circular dated November, 12, 2007 states that, if a person dying due to injury sustained while performing his official duty, then ex-gratia payment is to be made. If the person who dies on the post of clerk Rs. 7,00,000/- ex-gratia payment was required to be made to the dependent. The father of the petitioner was working on the post of clerk, as such mother of the petitioner was paid an amount of Rs. 7,00,000/- as exgratia payment. The same is not disputed. It will not be possible to make applicable the scheme which was not in force at the relevant date. The scheme under circular dated 18.02.2018 is made applicable from the year 2014 and not prior to that. In view of that, though bonafide statement is made by the petitioner that the petitioner would return amount of Rs. 7,00,000/-, still same cannot be considered, as at the relevant date the scheme dated 18.02.2018 is not applicable or made applicable. In view of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]