

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1401 of 2020

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Ravi Kumar Son of Late Madan Prasad Resident of Phulavriya, Chhapwa,
Sugauli, P.S.- Sugauli, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The Punjab National Bank through its Chairman, 7 Bhikaji Cama Place,
New Delhi- 110066.
2. The General Manager, Punjab National Bank, Personal Administration
Division Head Quarter, Bhikaji Cama Place, New Delhi.
3. The Managing Director, Punjab National Bank, Bhikaji Cama Place, New
Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Archana Sinha
For the Respondent/s : Dr. Pankaj

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-01-2020 Heard counsel for the petitioner and counsel for the
respondents-Bank.

Petitioner's father died while in service in respondent-
Bank on 30.06.2003.

Instant writ petition has been filed for a direction against
the respondent-Bank for appointment of the petitioner on
compassionate ground.

The intervening facts are that petitioner's mother had
initially applied for compassionate appointment. Claim of his mother
for compassionate appointment was declined on 27.03.2004 itself.
Same is evident from Annexure 2 to the writ petition. First reason for
rejecting claim of petitioner's mother was that financial condition of
her family members was not found to be indigent and secondly, that
past record of petitioner's father was not unblemished. Disciplinary



action for alleged negligence in maintenance of goods was contemplated against the deceased employee. Regarding this second reason assigned in the order dated 27.03.2004, this court would not make any observation.

After a thorough examination of the financial condition of the family of the employee who died in harness, the authority was of the opinion that condition was found not to be indigent and as such dependent was not found entitled for grant of compassionate appointment. Decision based on such finding, in the opinion of this court, does not require any reconsideration now, about 16 years later. If petitioner, or his mother was aggrieved by the said rejection, he/she would have taken steps at that point of time, which has not been done. Now, 16 years later the instant writ petition has been filed.

It is submitted by counsel for the petitioner on the basis of the averments made in para 8 of the writ petition that Bank has come out with a scheme in 2014 for compassionate appointment to a dependent family member of deceased employee who died on medical ground due to Incapacitation before reaching at the age of 55 years. Referring to such submission, it is submitted that in view of 2014 scheme petitioner's claim should be considered by the respondent-Bank.

2014 circular has not been placed on record, though reliance is placed by the petitioner on the same. There is no averment



in the writ petition and it is not the petitioner's case that the 2014 circular has retrospective effect.

Admittedly, father of the petitioner died on 30.06.2003. His mother's claim was rejected on 27.03.2004. There is no averment in the writ petition that the said scheme provides that the petitioner, now the son of deceased can approach this court or authority seeking compassionate appointment about 17 years after death of employee in harness.

For the reasons indicated above hereinabove, this court does not find any legally enforceable claim of the petitioner, necessitating exercise of jurisdiction under Article 226 of the Constitution of India. Writ petition is devoid of merit and the same is dismissed.

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(Madhuresh Prasad, J)

