

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

236

CWP No.8687 of 2018

Date of decision : 02.03.2020

Subhash Chand

... Petitioner

Versus

Punjab National Bank and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE SANJAY KUMAR

Present : Mr.G.S.Gopera, Advocate
for the petitioner.
Mr.Saurav Verma, Advocate for
respondent Nos.1 to 4.

Sanjay Kumar, J. (Oral)

Challenge in this petition is to the order dated 05.03.2018 (Annexure P-12) passed by the Dy. General Manager, Human Resource Management Division, Punjab National Bank, rejecting the claim of the petitioner for appointment on compassionate grounds. The reason cited for such rejection was that the family of the petitioner had received terminal dues of 13.66 lakh and other receivables of Rs.1.79 lakh apart from receiving family pension of Rs.11927/-per month. The Dy. General Manager also cited the fact that the petitioner's father had only 01 year 03 months of remaining service and therefore, the petitioner's claim for compassionate appointment could not be considered. In effect, the stand of the bank was that the family of the petitioner was not indigent.

Perusal of the scheme for compassionate appointments, promulgated by the Bank vide Circular No.236/2014 dated 25.09.2014, reflects that a dependent family member of an employee who died or retired on medical grounds, due to incapacitation, before reaching the age of 55

years would be eligible to avail the benefit of appointment on compassionate grounds thereunder.

Admittedly, the petitioner's father expired at the age of approximately 59 years. Therefore, the petitioner's claim for appointment on compassionate grounds was de hors the ambit of the scheme. Even though this aspect of the matter was not mentioned specifically in the earlier round of litigation or in the order under challenge, the Circular was issued well before the death of petitioner's father on 28.07.2015. Thus, there can be no question of any estoppel against the same at this stage.

In that view of the matter, the rejection of the petitioner's claim for appointment on compassionate grounds cannot be found fault with.

At this stage, Mr.G.S.Gopera, learned counsel for the petitioner, would contend that the petitioner's case may at least be considered for payment of ex gratia.

However, the Circular dated 25.09.2014 replaced the existing schemes for payment of ex gratia and therefore, the petitioner would not be entitled to have his case considered even for this relief, as his father expired long after attaining the age of 55 years.

The writ petition is accordingly dismissed.

No order as to costs.

[SANJAY KUMAR]
JUDGE

02.03.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No