

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 251 of 2020**

Aman Kushwaha S/o Rajendra Prasad Kushwaha, aged about 26 years, R/o Bhaiyathan Road, Mandirpara, Surajpur, District Surajpur, Chhattisgarh

---- Appellant**Versus**

1. State Bank of India, through its Chief Manager, Surajpur Branch, District Surajpur, Chhattisgarh
2. The Regional Manager, State Bank of India, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

(Cause Title taken from Case Information System)

For Appellant : Mr. Akhand Pratap Pandey, Advocate.

For Respondents : Mr. P.R.Patankar, Advocate.

Hon'ble Mr. Arup Kumar Goswami, Chief Justice**Hon'ble Mr. N.K.Chandravanshi, Judge****Judgment on Board****Per Arup Kumar Goswami, Chief Justice****06/12/2021**

Heard Mr. Akhand Pratap Pandey, learned counsel for the appellant as well as Mr. P.R.Patankar, learned counsel for the respondents.

2. This appeal is barred by limitation of 197 days. To condone delay, the appellant has filed an application, registered as IA No. 1 of 2020. Notice was issued on 09.07.2021. No objection is filed to the application.

3. Mr. Patankar submits that he is not opposing the prayer for condonation of delay.

4. In view of the above, delay is condoned. IA No. 1 of 2020 stands disposed of.

5. This appeal is presented against an order dated 26.06.2019 which reads as follows:

“1. Shri P.R. Patankar, Advocate, enters appearance on behalf of respondents on advance copy and submits that the respondent-Bank have already revised their scheme of compassionate appointment vide scheme dated 13.05.2011. According to the respondents, they have already issued letter to the petitioner intimating him that the petitioner would only be entitled for ex-gratia monetary compensation and that as per scheme they would not be entitled for compassionate appointment.

2. In view of the submission made by the counsel for the respondents-Bank, reserving the right of the petitioner to act upon it in accordance with rules, the present writ petition stands disposed of.”

6. The father of the appellant died-in-harness while working as Senior Head Messenger, on 12.11.2018. The appellant claimed compassionate appointment on the basis of circular dated 11.08.2014.

7. A perusal of the order of the learned Single Judge goes to show that the contention was advanced by Mr. Patankar that the scheme of compassionate appointment was revised vide scheme dated 13.05.2011. When the appellant is relying on the scheme/circular dated 11.08.2014, such scheme could not have been revised by a scheme dated 13.05.2011. The learned Single Judge did not advert to the scheme on which reliance was placed by the appellant.

8. In that view of the matter, we are of the view that the order of the learned Single Judge cannot be sustained and accordingly, the same is set aside. The matter is remanded back to the learned Single Judge for fresh consideration.

9. As the matter pertains to compassionate appointment, we direct the respondents herein to file their reply since at the time of disposal of the writ petition, no reply was filed by the respondents, within a period of four weeks from today.

10. The Registry will list the writ petition before the learned Single Judge on 14th January, 2022 as per roster.

11. Accordingly, this appeal stands disposed of.

Sd/-
(Arup Kumar Goswami)
CHIEF JUSTICE

Sd/-
(N.K.Chandravanshi)
JUDGE