

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4340 of 2021**

Khitesh Kumar Minj Son Of Late Anjulas Minj, Aged About 34 Years
Resident Of Tahsil Chowk Bagicha, Tehsil Bagicha, District Jashpur,
Chhattisgarh

---- **Petitioner****Versus**

1. Chhattisgarh Rajya Gramin Bank Through Chairman, Head Office - Mahadev Ghat Road, Sundar Nagar, Raipur, District- Raipur, Chhattisgarh 492013
2. Chhattisgarh Rajya Gramin Bank Through Regional Manager, Regional Office - Sharda Niketan, Kabir Chowk, Heeranagar, Raigarh, District Raigarh, Chhattisgarh 496001
3. Branch Manager, Chhattisgarh Rajya Gramin Bank, Branch- Bagicha, District - Jashpur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. K. N. Nande, Advocate
For Respondents	:	Mr. N. Naha Roy under instruction of Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.08.2021**

1. The present writ petition has been filed seeking for the following reliefs:
 - i) That, the Hon'ble Court may kindly be pleased to issue writ in nature of certiorari and quash the letter dated 27.02.2015 issued by the respondent bank.
 - ii) That, the Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the

respondent no. 1 & 2 to consider and provide compassionate appointment to the petitioner in lieu of his mother who died while in service in accordance with the provision of scheme for compassionate appointment as it existence on the date of death of the petitioner's mother.

2. The brief facts of the case relevant for disposal of the present writ petition are that the mother of petitioner was working with the respondent bank as an Office Assistant who died in harness on 24.09.2005. As per the petitioner, on the death of his mother, he moved an application for compassionate appointment on 28.03.2006. Further case of petitioner is that in fact the mother of petitioner herself had got appointment under the respondents on compassionate ground on the death of her husband.
3. The grievance of petitioner is that though he had moved an application for compassionate appointment as early as on 28.03.2006, the same till date has not been decided or at least the petitioner has not been communicated the outcome of the application moved by him. According to the petitioner, after much persuasion and correspondences with the respondents, he was informed in February, 2015 vide Annexure P-7 that he would be entitled for ex gratia payment in lieu of compassionate appointment and accordingly a lump sum amount of rupees seven lakhs was deposited in the name of petitioner and his sister who were the two children born to the deceased employee. The further contention of petitioner is that on account of the periodical renewal of ex gratia amount which stood deposited with the respondents bank it has now got multiplied and the gross amount as on

date is more than rupees twelve lakhs.

4. Today, through the present writ petition, learned counsel for petitioner seems to be challenging the action on the part of the respondents in not considering the claim for compassionate appointment and arbitrarily granting ex gratia payment in the name of petitioner and his sister. According to the counsel for petitioner, on the date when the scheme for ex gratia payment in lieu of compassionate appointment was introduced, the mother of petitioner had already expired long back. Therefore this scheme cannot be made applicable with retrospective effect.
5. During the course of hearing, learned counsel for petitioner seeks for a direction of at least directing the respondents to release 12 lakhs rupees lying in the name of petitioner and his sister, so that they can utilize that money for their sustenance. In addition, counsel for petitioner submits that there are certain other deposits also which were payable to the mother of petitioner and which were released subsequent to her death and the amount stands deposited in the name of petitioner and his sister which too should be released to the petitioner.
6. All said and done, what is factually established is that the mother of petitioner in the instant case died in harness on 24.09.2005. The petitioner seems to have moved an application seeking compassionate appointment on 28.03.2006. For a considerable long period of time there does not seem to be any persuasion done by the petitioner except for the contention of petitioner that he has been repeatedly approaching the respondent authorities. It is also evident that the petitioner has not approached any competent Court of law within a

reasonable period for an appropriate decision to be taken on his application for compassionate appointment.

7. In addition to the aforesaid facts, from the pleadings it is also evidently clear that the petitioner vide correspondence Annexure P-7 dated 14.02.2015 was intimated about the fact that the petitioner has been granted ex gratia compensation in lieu of compassionate appointment. Accordingly an amount of rupees 7 lakhs stands deposited jointly in the name of petitioner and his sister and the amount stands deposited w.e.f. 20.09.2011 to 20.09.2012. The said amount continues with the respondents with periodical renewal of the deposits and as of now the amount stands multiplied with a total amount of rupees 12.73 lakhs payable to the petitioner and his sister which stood deposited from 26.12.2019 to 26.12.2020. This pleading of petitioner establishes the fact that the petitioner was made to know that he was given ex gratia payment in lieu of compassionate appointment as early as in February, 2015. Even then the petitioner did not think it proper to challenge the said decision of the respondents bank and continued to permit the amount getting multiplied which stood in the name of petitioner and his sister. After all these, the writ petition now has been filed challenging the action of payment of ex gratia in lieu of compassionate appointment.
8. Considering the entire facts and circumstances of the case, since there was no challenge to the decision of ex gratia payment for all these period and there does not seem to be any objection from any other third party for the said amount to be released to the petitioner and his sister, the only relief that could now be granted by this Court at this juncture invoking the writ jurisdiction is that of a direction to the

respondents to take immediate steps in ensuring that whatever amount stands deposited in the name of petitioner and his sister by way of ex gratia amount or any other amount which fell due in the name of Smt. Praffula Minj, an employee of the respondent bank who died in harness on 24.09.2005, be forthwith released without any further delay subject to the petitioner completing the requisite formalities for releasing of the aforesaid amount which stands deposited in their name. Let the entire exercise be concluded by the respondents within a period of 45 days from the date of receipt of a copy of this order.

9. With the aforesaid observations, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**