

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 201 of 2021
Date of decision 19.02.2021

Rimmy

...Appellant

Vs.

Union of India and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Rajesh K. Sheoran, Advocate
for the appellant.

Ritu Bahri, J.

In the instant Letters Patent Appeal, challenge is to order dated 25.01.2021 passed by this Court in ***C.W.P No. 11828-2020 titled as 'Mrs. Rimmy vs. Union of India and others'*** whereby petition filed by the petitioner/appellant (for brevity 'the appellant') for quashing order dated 02.11.2019 refusing to appoint her on compassionate basis, has been dismissed.

After hearing learned counsel for the petitioner and going through the judgment dated 25.01.2021 of learned Single Judge, it transpires that after the death of husband of the petitioner on 22.02.2018, she applied for compassionate appointment in the department of her husband i.e State Bank of India. However, she has been refused appointment on the ground that she was over-aged being 38 years and 08 months old. The writ petition filed by the appellant was dismissed on the ground that once a specific permission has been granted to the State Bank of

India, then the general policy recommended by the Indian Banks Association would not be binding.

Learned counsel for the appellant has argued that the case of the appellant is covered by the scheme for compassionate appointment in Public Sector Banks dated 07.08.2014 (P-11) wherein in clause 7, there is a provision of relaxation of upper age limit. Reference has been made to letter dated 11.08.2014 whereby approval was received from Government of India, vide letter dated 07.08.2014 (P-11) for the revised 'Compassionate Appointment Scheme in Public Sector Banks, which is as follows:-

(i) To open the Compassionate Appointment in PSBs on the lines of Central Government

(ii) Discontinuing the provision of ex-gratia in lieu of Compassionate Appointment in PSBs

(iii) The scheme shall be applicable from 05.08.2014.”

Reference has been made to page No. 105 of the paper book with respect to Relaxation which reads as follows:-

RELAXATIONS

“7.1 Upper Age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

(Note-1: Age eligibility shall be determined with reference to the date of application and not the date of appointment.

(Note-2: Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of age limit also for making such appointment.”

Reference at this stage can be made to letter dated 09.12.2014

Banks, Mumbai wherein it was decided that all the Public Sectors Banks can have both the options i.e compassionate appointment or payment of lump-sum ex gratia amount.

Pursuant to letter dated 09.12.2014 (P-12) from Ministry of Finance, State Bank of India has taken a conscious decision vide e-circular dated 27.12.2014 (Annexure P-10) and in clause 9.1 of Age & Qualification, it has been mentioned that (i) The minimum age for clerical cadre will be 20 years and for sub-staff cadre 18 years (ii) The Upper Age limit and its relaxation for SC/ST/OBC/PWDAs/Ex-servicemen/widow candidates will be as per prevalent recruitment policy of the Bank for the relevant post and category.

The above decision taken by State Bank of India clearly shows ***that SBI has taken a conscious decision to give benefit of age relaxation as per the prevalent recruitment policy of the Bank.*** The respondents in their written statement has placed on record the recruitment Rules (R-2) and in Rule 1.5.2 with respect to Age Relaxation, it has been mentioned that for Widows, Divorced Women and Women judicially separated from their husbands and who are not remarried, the age relaxation would be 7 years (subject to maximum age limit of 35 years for General and 38 years for OBC and 40 years for SC/ST candidates).

Thus, the case of the petitioner for appointment has to be considered as per e-circular dated 27.12.2014 (P-10) which was issued by SBI after receiving the letter from Ministry of Finance dated 05.12.2014 (P-12). Once the Bank has issued circular, the petitioner cannot claim appointment on the basis of letter dated 07.08.2014 (P-11) wherein in clause

bound by the recruitment Rules (R-2) and in they cannot give age relaxation beyond the age of 35 years for General and 38 years for OBC and 40 years for SC/ST candidates.

Thus, the finding recorded by the learned Single Judge, would not warrant interference. No question of law warranting admission of the appeal would arise.

The appeal is wholly without merit.

Dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

19.02.2021

G Arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No