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16.03.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2757 of 2022

Chandrima Das
Vs.
The General Manager, Punjab National Bank & Ors.

Mr. Sasthi Charan Dhara.
... for the petitioner

Ms. Parna Roy Choudhury.
... for the respondents

The petitioner is the daughter of a former employee of United Bank of India now known as Punjab National Bank (in short "P.N.B.") who died in harness on 27th May, 2008. The petitioner's mother namely Anita Das being the widow of the deceased employee had earlier applied for grant of lumpsum ex gratia amount in lieu of compassionate appointment on 29th December, 2008. This application was considered and rejected by the bank on 15th February, 2009. After lapse of more than eleven years the petitioner claims for compassionate appointment from the bank.

Compassionate appointment is not a matter of right, but is granted to a dependant member of the family of the deceased employee to tide over the sudden financial crisis arising out of a loss of the bread earner.

In the instant case, the application is at a much belated stage and that too after an application was made by the widow of the deceased employee for granting lumpsum ex gratia in lieu of compassionate

appointment as stated hereinabove which had been rejected as far bank on 15th February, 2009.

Be that as it may, when the petitioner has made an application and/or request for compassionate appointment, it is incumbent upon the bank to consider and dispose of the same in accordance with law.

In the aforesaid facts and circumstances, I direct the respondent no. 4 to consider and dispose of the petitioner's representation dated 20th December, 2021 by a reasoned order after giving the petitioner a reasonable opportunity to represent within a period of four months from date. The reasoned order that may be passed should be communicated to the petitioner immediately.

It is made clear that a direction given to consider the representation shall not revive a stale claim if it is so found by the respondent no. 4 that the application for compassionate appointment is at a belated stage.

The respondent no. 4 shall be free to decide on the issues independently without being influenced in any manner by the observations made in this order.

The parties including the respondent no. 4 shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)