

10.06.2022
Sl. No.1
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6129 of 2022

Priyanka Ghosh
Vs.
Union of India & Ors.

Mr. Baidurya Ghosal,
Ms. Sweta Bhatta

....for the petitioner.

Mr. Subrata Kumar Sinha

....for the respondent nos.2, 3 & 4.

The petitioner's father while working in State Bank of India died on 19th November, 2019 leaving behind his widow, Minati Ghosh and three unmarried daughters. The petitioner is one of the unmarried daughters, who had made an application for appointment on compassionate ground. The application was made on 18th October, 2021. The petitioner's application has been rejected on the ground that there was no scheme in subsistence for granting appointment on compassionate ground when the petitioner's father died. There is no dispute as regard to the fact that there was no scheme prevalent in State Bank of India (in short SBI), the employer for granting compassionate appointment on the date of death of the employee, that is, 19th November, 2019, save except two exceptions which are as follows:-

- “i. Employee dying while performing his official duty, as a result of violence, terrorism, robbery or dacoity.
- ii. Employee dying within five years of his first appointment or before reaching the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children.”

It appears from the report in the form of an affidavit filed on behalf of the respondent nos.2, 3 and 4, i.e., SBI that the scheme which was applicable to an employee in case of death-in-harness on 19th November, 2019 was one dated 4th August, 2005. This scheme appears at pages 17-32 of the report of SBI. The exceptional circumstances as stated hereinabove was introduced by a circular in terms of a decision taken at the meeting of the Executive Committee of the Central Board of SBI held on 12th May, 2011. This circular is at pages 33-34 of the report.

In the aforesaid facts and circumstances and in light of the ratio laid down in the judgment in Secretary to Government, Department of Education (Primary) and Others Vs. Bheemesh Alias Bheemappa, reported in AIR 2022 SC 402, the petitioner is not entitled to compassionate appointment as claimed as on the date of death of the petitioner's father, being the relevant date, no scheme was there for compassionate appointment.

The writ petition so far as it relates to the claim for compassionate appointment is dismissed.

However, dismissal of the writ petition will not prevent the family of the deceased employee from receiving other benefits available under the scheme dated 4th August, 2005, if entitled to. SBI shall consider the case of the petitioner in respect of other benefits available under the scheme dated 4th August, 2005 as expeditiously as possible, but not beyond three months from date.

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

(Arindam Mukherjee, J.)