

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12671 of 2022

Tapas Bangari
Vs.
The General Manager,
Punjab National Bank & Ors.

Mr. Sk. Sahjahan Ali,
Mr. K.C. Das
... For the petitioner

Ms. Parna Roy Choudhury,
Ms. Payel Ghosh
... For the Bank

Affidavit-of-service filed in Court today is taken
on record.

The petitioner's father, an employee of Punjab
National Bank (in short "PNB"), died-in-harness on 24th
February, 2012. The petitioner says that in September
2013 he allegedly went to the office of the Branch
Manager, Bhagwanpur Branch, PNB, to submit a
representation claiming appointment on compassionate
ground but the same was not entertained on the
ground that there was no existing scheme for
compassionate appointment.

The petitioner thereafter made an application
for compassionate appointment on July 2015. The
petitioner says that despite such application, his
prayer for compassionate appointment has not been
effectively considered.

On behalf of the PNB it is submitted that at the time of death of the employee, that is, petitioner's father, there was no scheme prevailing in the PNB for providing compassionate appointment. That apart, after having made an application for compassionate appointment, the petitioner had sought for lump sum *ex gratia*.

The petitioner could not be paid the *ex gratia* amount as he did not come within zone of consideration for compassionate amount and *ex gratia* is payable in lieu of compassionate appointment.

Be that as it may, since the petitioner has made a representation seeking compassionate appointment, in stead of adjudicating the matter after calling for affidavits, I think justice will be sub-served if I direct the representation made by the petitioner to be considered by the respondent no. 3, that is, the Assistant General Manager, PNB. The representation, annexed at page 29 of the writ petition, which was sent to PNB on September 28, 2021, is in Bengali vernacular. This may cause difficulty for the respondent no. 3 to consider and decide upon the same if he/she is not conversant with Bengali vernacular.

In the aforesaid facts and circumstances, I direct the petitioner to make a fresh representation containing the same points as in the representation

annexed at page 29 of the writ petition in English within 5th August, 2022.

In the event such representation is submitted, the respondent no. 3, after affording the petitioner a reasonable opportunity of hearing, decide the same by a reasoned order within a period of three months from the date of the representation so to be made.

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

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

Parties including the officers of PNB shall act on the basis of a server copy of this order, duly downloaded from the official website of this Court, without insisting upon production of a certified copy thereof.

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

(Arindam Mukherjee, J.)