

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21017 of 2021

Partha Pratim Bhattacharjee
Vs.
Union of India & Ors.

Mr. Manish Kumar Das,
Mr. Ziaul Haque
... For the petitioner.

Ms. Oisani Mukherjee
... For Union of India.

Mr. Om Narayan Rai,
Mr. Badal Singh
... For the respondent Bank.

The petitioner's father Ram Krishna Bhattacharjee, while serving in Allahabad Bank, now known as Indian Bank, died-in-harness on 2nd August, 2008 when he was about 55 years. The petitioner's mother made an application for compassionate appointment of the petitioner on 24th August, 2008. By a letter dated 10th October, 2008, the then Allahabad Bank informed the petitioner's mother that it is not possible to provide compassionate appointment as per the prevailing rules and offered an ex gratia amount in lieu of compassionate appointment. The petitioner's mother applied for ex gratia amount on 14th August, 2009. The ex gratia amount was received by the petitioner's mother on 21st November, 2009. The petitioner who was a major at that point of time when

the petitioner's father died as also when the ex gratia amount was applied for and received by the petitioner's mother. The petitioner never objected to petitioner's mother in applying for ex gratia amount in lieu of compassionate appointment or from receiving the same. After a lapse of 12 years the petitioner has approached this Court contending that there has been a change in the policy of Allahabad Bank now known as Indian Bank, pursuant to the payment of the ex gratia amount by virtue of which the petitioner's claim for compassionate appointment should have been considered by the respondent Bank. The petitioner also says that the amended policy of Allahabad Bank was made applicable retrospectively by allowing the cases of compassionate appointment in the event the death in harness of an employee took place within a period of five years immediately preceding the date on which the amended scheme came into operation. The amended scheme is annexed to the writ petition and it appears to have given effect to, on or about 7th August, 2014. The writ petitioner's father died on 2nd August, 2008 and as such the death occurred more than five years prior to the date when the amended scheme was implemented. The long delay, the receipt of ex gratia amount by the petitioner's mother in lieu of compassionate appointment to which the petitioner did not raise any objection despite being major at the relevant point of

time and the scope of the scheme disentitles the petitioner from seeking compassionate appointment or for an application for compassionate appointment to be considered by Allahabad Bank, now known as Indian Bank after twelve years.

The writ petition is, therefor, devoid of merits and is dismissed, however, without 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.

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

(Arindam Mukherjee, J.)