

26.09.2022
Ct. no.21
Sl. No.21
Sanjay

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21263 of 2022

Debi Mandal & Anr.
Vs.
The State Bank of India & Ors.

Mr. Ambu Bindu Chakraborty,
Ms. Mrinmoyee Roy Chowdhury
....for the petitioners.

Mr. Subrata Kumar Sinha
...for the respondents.

Affidavit of service filed in Court today be taken
on record.

The case of the petitioners is that the petitioner
no.1 is the wife and the petitioner no.2 is the son of an
ex-employee of the State Bank of India who worked in
the post of Senior Head Messenger. The ex-employee
died-in-harness on February 27, 2004.

Immediately upon the death of the ex-employee,
the petitioner no.1 applied for compassionate
appointment of her son, the petitioner no.2 on
September 22, 2004. The petitioners also made an
application for ex-gratia lump sum payment to be
made on compassionate grounds but the same was
rejected. The appointment of the petitioner no.2 on
compassionate grounds was also rejected in 2004 by
the bank authorities.

The petitioners again renewed their prayer for
compassionate appointment and prayed for review of
the decision for the rejection of ex-gratia payment

since the family was going through financial crisis on the death of the bread winner of the family. The petitioner no.1 made a representation on August 6, 2019 for review of her son's case for compassionate appointment.

Upon receipt of such prayer the same was forwarded by the Chief Manager to the Regional Manager on August 7, 2019. The Regional Manager called for documents on October 30, 2019 for verifying the claim. The documents, as called for, for review of the application for compassionate appointment was forwarded by the Chief Manager to the Regional Manager on December 20, 2019. Thereafter, there was no communication from the Regional Manager regarding the fate of the application for compassionate appointment of the petitioner no.2. Legal notice was subsequently issued on behalf of the petitioners.

Mr. Chakraborty, learned counsel appearing on behalf of the petitioners submits that the application for compassionate appointment should have been reviewed by the Regional Manager/respondent no.4 after calling for the necessary documents, he should have reviewed the application of the petitioner no.2.

Mr. Sinha, learned counsel appearing on behalf of the respondents/ State Bank of India submits that the application of the petitioner no.2 was considered and rejected in 2004 and even though the petitioners applied for review and the same was forwarded by the

Chief Manager to the Regional Manager, there was no provision for review of the same.

Having considered the rival submissions of the parties and the materials placed on record, this Court directs the respondent no.4/ Regional Manager to consider the representation of the petitioners dated August 6, 2019 taking into account of the documents submitted by the petitioners pursuant to the inquiry dated October 30, 2019. The representation of the petitioner no.1 also is to be considered in the light of the memo issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services dated August 16, 2022.

Let the representation of the petitioners be disposed of with a reasoned order within eight weeks from the date, upon giving personal hearing to the petitioner no.2. Let the reasoned order be communicated within two weeks of passing of the same.

Since no affidavits have been called for in the instant writ petition all the allegations made therein are deemed not to have been admitted by the respondents.

With the aforesaid directions, the writ petition being **WPA 21263 of 2022** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)