

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22422 of 2022

Smt. Vijoy Laxmi Routh
Vs.
The Central Bank of India & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Mr. Nepesh Majhi
... For the petitioner

Mr. Bishwambher Jha
... For the respondent nos.1 to 4/Bank

Exception to the report on affidavit filed in Court today is retained with the record.

The petitioner challenges a rejection order dated July 7, 2020 issued by the Assistant General Manager-SAD/SCT, Resources Development Department, Central Bank of India. The petitioner's husband died on May 12, 2014. He was an employee of the Central Bank of India. Upon the death of her husband, who died-in-harness, the petitioner made an application for payment of ex-gratia lump sum in lieu of compassionate appointment. Such an application was made on September 26, 2014. The said application was forwarded by the Branch Manager, Central Metro Branch, to the Regional Office, Kolkata North, HRD Department, on October 11, 2014. It was recommended to be forwarded by the Regional Office to the Central Office, HRD.

Thereafter, the petitioner did not get any response from the Bank. On October 15, 2015 the Senior Manager, HRD informed the Branch Office, Central Metro Branch, that the petitioner had to file relevant documents and complete the requisite annexures of the application form to enable her claim to be processed in time. The petitioner submitted a duly filled up form on November 5, 2015 along with the relevant documents and the same was forwarded to the Central Office of the Bank. Thereafter, the petitioner received no response at all from the Bank. When the petitioner enquired with the office-holders of the Central Bank of India Employees Union after the outbreak of Covid, she was informed that by the impugned order dated July 7, 2020, the petitioner's prayer was rejected since it was not made within six months from the date of death of her husband.

Mr. Arka Maiti, learned counsel appearing on behalf of the petitioner submits that there was no fault on the part of the petitioner since initial application was made within six months. Due to inadvertence or her lack of experience, certain documents could have been left out but as soon as the documents were required to be submitted by her by the Regional Office of the Bank through the Branch Office, the petitioner submitted the necessary documents on November 5, 2015.

He relies on the guidelines of the Central Bank issued by the Central Office of the Human Resources Development Department dated October 8, 2015. The said guidelines were issued by the General Manager-HRD. He submits that all the 132 applications which were returned to the Zonal or Regional Office for re-submissions with clarifications and required papers had to be re-submitted with the required clarifications/papers latest by January 31, 2016. In the event such applications were submitted by January 31, 2016, the same would be processed by the Central Office by March 31, 2016. The said guidelines were applicable for deaths of employees occurring before August 5, 2014.

Therefore, the petitioner was entitled to be considered under the said guidelines as her husband died on May 12, 2014 and she also submitted her application with the relevant clarifications and documents on November 5, 2015, i.e., prior to January 31, 2016.

Mr. Bishwambher Jha, learned counsel appearing on behalf of the respondent Bank submits that the petitioner submitted incomplete documents and, therefore, her application could not be processed. When the petitioner submitted the relevant clarifications and also the requisite documents on November 5, 2015, the stipulated time period of six months was already

over and, therefore, her application could not be considered.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the petitioner is squarely covered under the guidelines issued by the General Manager-HRD, Central Office, Central Bank of India, dated October 8 2015. She was required to be considered under the old scheme for payment of ex-gratia lump sum amount in lieu of compassionate appointment which was closed with effect from April 1, 2016. The petitioner re-submitted her documents on November 5, 2015. The said re-submission was made before the cut off date of January 31, 2016. The petitioner's husband died on May 12, 2014. The said death was before the cut off date of August 5, 2014. The Bank failed in its obligation to process her application by March 31, 2016 as stipulated in their own guidelines. There was no reason for not processing her application for payment of ex-gratia lump sum in lieu of compassionate appointment by March 31, 2016. No reason has been given why such an application was considered and rejected at a much belated stage on July 7, 2020. In the said impugned order of rejection, no reference has also been made by the Bank to its own guidelines dated October 8, 2015.

In the light of the discussions above, the impugned order dated July 7, 2020 is quashed and/or set aside.

This Court directs the representation of the petitioner to the Chairman, Central Bank of India, received on September 2, 2020, annexed at page 37 of the writ petition, to be considered by the respondent no.2/the Assistant General Manager, Central Office, Central Bank of India, or any other appropriate authority to be considered within four weeks from date, keeping in mind their own guidelines issued by the General Manager-HRD on October 8, 2015. The said representation will also be considered in the light of the observations made in this order.

Let a reasoned order be passed and communicated to the petitioner within one week of passing of the same.

In the event the petitioner is found entitled to the payment of ex-gratia lump sum payment, the same should be released within two weeks of passing of the reasoned order along with interest at the rate of 6% per annum from March 31, 2016, being the last date on which the applications for ex-gratia lump sum payment were required to be processed by the Bank as per its own guidelines. The petitioner cannot be penalised for no fault of her own.

With the directions aforesaid, **WPA 22422 of 2022 is disposed of.**

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Lapita Banerji, J.)