

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3907 OF 2021

(Smt. Nilima Raju Khapekar C/o Shri Wamanrao Tuljekar Vs. The Executive Director, Bank of Baroda,
H.R.M. Operations, Baroda Bhavan, Alkapuri, Baroda (Gujarat) & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri K.J. Khanorkar, Advocate for the petitioner.
Shri C.S. Samudra, Advocate for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JUNE 27, 2022.

The petitioner is aggrieved by non-consideration of her request for appointment on compassionate basis. The husband of the petitioner was in employment with the respondent – Bank and on his demise in harness, the petitioner sought employment on compassionate basis. The respondent – Bank on finding financial condition of the family to be such that it could not be treated to be indigent refused to grant such appointment on compassionate basis. This was after referring to the scheme framed by the Bank for appointment on compassionate basis.

The Division Bench on 07/04/2022 after noting the decisions relied upon by the respective Counsel had referred the matter to a Larger Bench to consider whether the amounts received by the family towards Provident Fund, Gratuity, Family Pension, etc. were required to be taken into consideration while holding the family to be indigent. The Bench answered the reference on 22/04/2022 and held that under Clause 5 of the scheme in question, receipt of such benefits were required to be taken into consideration.

On hearing the learned Counsel for the parties and on perusing the affidavit-in-reply filed by the Bank, we find that the petitioner has received substantial amounts to the tune of about Rs.40 Lakh after the death of her husband. She is also receiving family pension of an amount of Rs.14,954/-. We find that the Bank while considering the request of the petitioner for appointment on compassionate basis has considered Clause 5.1 of the scheme in a fair manner.

Hence, we do not find that there is any illegality committed by the Bank while refusing to grant appointment to the petitioner on compassionate basis.

The Writ Petition is therefore dismissed with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT