

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP No.18445 of 2021 (O&M)
DATE OF DECISION : 31st JANUARY, 2022

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.... Petitioner

Versus

**The Assistant General Manager, Human Resources Management
Section, Circle Office, Canara Bank, Karnal and another**

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ravinder Sharma, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to appoint the petitioner on compassionate ground on account of death of his father, with a further prayer to direct the respondents to consider the application dated 29.07.2021 (Annexure P-12) of the petitioner for appointment on compassionate ground due to the death of his father.

It is not even disputed by the counsel for the petitioner that the father of the petitioner was compulsorily retired from service by the respondent-Bank, as a measure of punishment and after a regular departmental enquiry; on account of a fraud having been committed by him with a customer of the bank. The counsel for the petitioner has not been able to deny that his father never preferred any appeal against the order of punishment inflicted upon him. Therefore, the order of punishment had become final against the father of the petitioner and,

legally speaking, he had accepted the same as such. Hence, the father of the petitioner was left with no connection with the service of the bank except his entitlement to the post retiral benefits. Since the father of the petitioner stood retired by way of punishment, therefore, the status of the father of the petitioner could not be taken as an employee on the date of his death. Rather, his status was of that of a punished and retired employee, who was shown some sympathy by the respondent-bank not to forfeit his service benefits. Accordingly, the petitioner cannot lay any claim for compassionate appointment with the respondent-Bank on account of death of his father, who died about four months after his removal from the service. The counsel for the petitioner has also not been able to point out any provision or any policy of the bank which permits the wards of even such an employee, who had been compulsory retired/removed from service before his death by way of punishment on account of fraud having been committed by him with a customer, to claim compassionate appointment in the bank.

Hence, this Court does not any ground to interfere in the matter.

Dismissed.

31st JANUARY, 2022
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>