

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

225

CWP No.21523 of 2018  
DATE OF DECISION : 5<sup>th</sup> APRIL, 2022

**Keshav Sidhu**

.... **Petitioner**

**Versus**

**Bank of Baroda through its Managing Director, Corporate Office,  
Mumbai & others**

.... **Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present : Mr. Kapil Kakkar, Advocate for the petitioner.

Mr. B. B. Bagga, Advocate for respondents No.1 to 3.

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**RAJBIR SEHRAWAT, J. (Oral)**

1. The petitioner has filed this petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the impugned order dated 21.06.2018 (Annexure P-3) vide which the claim of the petitioner for appointment on compassionate ground was rejected against the Scheme (Annexure P-4) issued by the Ministry of Finance, Government of India for Compassionate Appointment in Public Sector Bank and the law laid down by the Apex Court in the case of *Canara Bank & anr. Vs. M. Mahesh Kumar, 2015 (3) SCT 186*; along with certain other prayers

2. The brief facts, as involved in the present petition are that father of the petitioner expired on 02.12.2017 while serving as Head Cashier with the respondent-Bank. After that the petitioner had applied for compassionate appointment as per the policy of the respondent-Bank. However, the same has been declined vide impugned order dated

21.06.2018 (Annexure P-3) on the ground that the family of the petitioner has already received handsome amount of ₹39.60 lacs as terminal benefits and the mother of the petitioner is also getting family pension of ₹19480/-. Feeling aggrieved by the said order the petitioner has filed the present petition.

3. Arguing the case, learned counsel for the petitioner has submitted that the policy framed by the respondent-Bank is independent of and in addition to the other benefits which may go to the family as terminal benefits on account of death of the deceased employee. Hence, the policy itself contains a stipulation that while considering the case of an applicant for compassionate appointment, the amount of terminal benefits paid to the employee shall not be taken any bar for the compassionate appointment. The counsel has further submitted that even family pension, being paid to the surviving spouse of the employee, cannot be a ground for denial of the compassionate appointment to the dependants of the deceased employee. The counsel has relied upon the judgment of Hon'ble the Supreme Court rendered in the cases of ***Govind Prakash Verma Vs. Life Insurance Corporation of India & others, 2005 (10) SCC 289; Canara Bank & another Vs. M. Mahesh Kumar, 2015(3) SCT, 186 & Supriya Suresh Patil @ Sow Supriya Pratik Kadam Vs. State of Maharashtra & others, 2018 (17) SCC 67*** to buttress his arguments. Hence, it is submitted that the respondents be directed to offer compassionate appointment to the petitioner.

4. On the other hand, the counsel for the respondents have submitted that the family of the deceased employee has received sufficient funds as terminal benefits on account of death of the deceased employee. Even the wife of the deceased employee is getting a good

amount as pension. Hence, the surviving members of the deceased employee cannot be said to be constituting an 'indigent' family as is the requirement under the policy of the bank. Therefore, the case of the petitioner has rightly been declined by the respondents.

5. No other argument was raised by the counsel for the respondents.

6. Having heard the counsel for the parties and having perused the paper book, this court finds sufficient substance in the arguments raised by counsel for the petitioner. There is no dispute qua the fact that the policy of the respondent-bank prescribes that the compassionate appointment shall be offered to the indigent family of the deceased employee, however, the said policy itself prescribes that the terminal benefits paid to the family of the deceased employee shall not be taken as bar for appointment of member of family on compassionate basis. The relevant Clause is reproduced hereinbelow:

XXXX.....

XXXX.....

XXXX.....

*17(iii)An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the employee has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all*

*other relevant facts such as the presence of an earning member, size of the family etc.”*

7. Hence, it is clear that the receipt of any terminal benefits by the family is not any ground, as such, to deny the compassionate appointment. However, the respondents have rejected the claim of the petitioner by giving reference to the amounts received as terminal benefits. On this point, this court finds reliance of the counsel for the petitioner on judgments rendered in ***Govind Prakash Verma (supra); Canara Bank & another (supra) & Supriya Suresh Patil @ Sow Supriya Pratik Kadam (supra)***, to be well placed. As per the above said judgments even the family pension could not have been made a ground for denying the compassionate appointment to the petitioner. Needless to say that the family pension is earned by the spouse of the deceased employee in his/her independent statutory rights, having nothing to do with the aspect of the compassionate appointment, if any, as provided under the collateral rules or instructions issued for that specific purpose. Hence, the case of the petitioner has been wrongly rejected by the respondents.

8. In view of the above, the present petition is allowed. The impugned order dated 21.06.2018 (Annexure P-3), is set aside. The respondents are directed to offer an appointment to the petitioner, within a period of three months from the date of receipt of the certified copy of this order.

**5<sup>th</sup> APRIL, 2022**  
'raj'

**(RAJBIR SEHRAWAT)**  
**JUDGE**

*Whether speaking/reasoned:*                      Yes                      No

*Whether Reportable:*                              Yes                      No