

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11391 of 2015

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Pankaj Kumar son of Late Surya Narayan Vidyarthi Resident of 118 G/1K, 60 feet Road, Rajruppur, P.S. Dhunamganj, Allahabad.

... .. Petitioner/s

Versus

1. The State Bank of India
2. The General Manager (D & PB), State Bank of India, West Gandhi Maidan, Patna -1.
3. Deputy General Manager, State Bank of India West Gandhi Maidan, Local Head Office, P.S. Gandhi Maidan
4. Assistant General Manager, State Bank of India, West Gandhi Maidan, Local Head Office, P.S. Gandhi
5. The Branch Manager, State Bank of India, Dalmianagar District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Jayaswal, Advocate
For the Respondent/s : Mr.Satya Prakashtripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date: 05-10-2023

The present writ petition has been filed for quashing the orders dated 14.08.2001 and 14.11.2005 passed by the General Manager (D & PB), State Bank of India, Patna, whereby and whereunder the case of the petitioner for grant of appointment on compassionate ground has been rejected.

2. The brief facts of the case are that the father of the petitioner died on 08.01.1999 while



working on the post of Teller at Dalmianagar Branch of the respondent-State Bank of India (hereinafter referred to as the 'Bank'). The petitioner had then filed an application on 04.10.1999 for grant of compassionate employment, however, the same was rejected vide order dated 14.08.2001 on the ground that liquid surplus amount of Rs. 7.81 lacs is available to the family and the family pension is Rs. 5,268.00 per month as also the total income of the family from all sources including family pension, income from interest and investment and 75 per cent of net terminal benefits comes to about Rs. 9,661.00 per month, hence the financial condition of the petitioner cannot be termed as precarious, as also in view of the law laid down by the Hon'ble Apex Court in the case of **Umesh Kumar Nagpal vs. State of Haryana & Others**, reported in **(1994) 4 SCC 138**.

3. The learned counsel for the petitioner has submitted that the petitioner has a big family of the deceased to support inasmuch as he has to



look after not only his widow mother but three unmarried sisters and one younger brother, thus the respondent-Bank be directed to provide compassionate employment to the petitioner. The aforesaid decision was also confirmed by a letter dated 04.11.2005, issued by the respondent no. 2.

4. Per contra, the learned counsel for the respondent-Bank has submitted that the present writ petition is fit to be dismissed on the ground of delay and laches inasmuch as though the father of the petitioner had died on 08.01.1999 and his case for compassionate employment was rejected on 04.10.1999, he has approached this Hon'ble Court after a huge delay of 16 years. It is also submitted that upon examination of the case of the petitioner, it was found that the financial condition of the deceased family could not be termed as penurious, hence the claim of the petitioner for compassionate employment was declined relying on the judgment rendered by the Hon'ble Apex Court in the case of Umesh Kumar Nagpal (supra).

5. I have heard the learned counsel for the



parties and gone through the materials on record and this Court finds that about 24 years have already gone by since the death of the father of the petitioner, hence at such a belated stage, the very object of the compassionate employment scheme would be violated, in case compassionate employment is directed to be offered to the petitioner, inasmuch as the object of the compassionate employment scheme is to enable the family to get over the financial crisis, which it faces at the time of the death of the sole breadwinner, thus, the case of the petitioner for grant of compassionate employment merits no consideration. It would be apt to refer to a judgment, rendered by the Hon'ble Apex Court in the case of **Umesh Kumar Nagpal vs. State of Haryana & Others**, reported in **(1994) 4 SCC 138**.

6. Yet another aspect of the matter is that if any application is entertained after a long delay, not only existing vacancies may be filled up by regular appointment, but other cases of similar



nature may arise where grant of immediate relief by providing employment to the dependent of the deceased employees may crop up, hence, what is material for consideration is the time when the relief is to be granted to a family in distress and not to reserve a job for one of the dependents.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I do not find any merit in the present writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

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