

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3866 of 2018

Manoj Kumar Son of Late Sudama Ram, Resident of Village- Naraina, P.S.-
Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. State Bank Of India Through Its Chief General Manager
2. The Dy. Managing Director Personal Management Department State Bank
Bhawan Madama Gama Road, Mumbai
3. The Chief General Manager, State Bank of India, Local Head Office, Patna.
4. The General Manager, State Bank of India, Zonal Office, Patna.
5. The Assistant General Manager Regional Gorakshani, Sasaram.
6. The Branch Manager, State Bank of India, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Adv Mr. Jay Prakash Singh, Adv
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha
For the S.B.I.	:	Mr. Anjani Kumar Mishra Mr. Ambarish Bhardwaj

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for seeking
directions to the State Bank of India for appointing the
petitioner under the New Scheme compassionate appointment in
the State Bank of India. The further prayer has been made to
quash the letter RM/IV/HR/479 dated 06.02.2018 passed by the
Regional Manager, State Bank of India, Sasaram.

3. The counsel for the petitioner submits that father of
the petitioner was serving in the State Bank of India as an



Assistant in Aurangabad Branch who died during the service on 20.05.2012. Counsel further submits that the mother of the petitioner has filed an application on 15.08.2015 for compassionate appointment of his son. Counsel further submits that petitioner belongs to SC category and his date of birth is 05.03.1991 having qualification of B.Sc (IT). It has been claimed by the petitioner that his family is very poor and he comes within the category of Mahadalit.

4. With regard to providing compassionate appointment counsel also submits that the second representation was sent on 30.06.2012 by the petitioner's mother to the Chief Manager, Zonal Office, Patna but the same is still pending before the respondent authorities.

5. Counsel submits that the petitioner has earlier moved to this Court in C.W.J.C. No. 386 of 2018 which was disposed of on 10.01.2018 directing the concerned authorities to dispose of the case of compassionate appointment of the petitioner within four weeks, and thereafter, the authorities have passed an order communicating to the petitioner that petitioner's prayer of compassionate appointment is not acceptable, and thereafter, present writ petition has been filed.

6. Counsel for the petitioner further submits that from



the Annexure of the counter affidavit, it transpires that no payment has been made towards *ex-gratia* which is apparent from the Annexure-R/2, Page No. 17 of the Counter affidavit and whatever the payment made is the arrears of the petitioner attached to his services.

7. In this background, the petitioner submits that the case of the petitioner may be considered in the light of the new scheme and relief for compassionate appointment may be granted.

8. Counsel for State Bank of Indian submits that copy of the new scheme has been attached as Annexure R/3. Counsel submits that admittedly the death of the petitioner's father took place during service on 20.05.2012 when he was posted at Aurangabad as an Assistant. Counsel submits that the said new scheme is named as SBI Scheme for Compassionate Appointment on Compassionate ground in Exceptional Cases-2014. The scheme is implemented with immediate effect from 05.08.2014 whereas prior to that the scheme of 04.08.2005 was in existence and according to which payment of *ex-gratia* lump sum amount has to be made.

9. Counsel submits that in the counter affidavit, it has been specifically mentioned that total Rs. 24,30,851/- has been



paid to the petitioner's family after death of the petitioner's father including all retiral benefit along with the ex-gratia amount. Counsel submits that compassionate appointment is a scheme to deal with immediate financial hardships of the family and after payment of such amount, the petitioner's family was not under hardship.

11. Counsel submits that compassionate appointment was granted only in exceptional cases. Firstly, if employee dies performing his official duty and if any violence, terrorism, robbery or dacoity occurs then he is eligible for compassionate appointment and secondly, if employee dies within five years of first appointment or has reached the age of 30 years, whichever is later leaving spouse or minor children then he is eligible for the aforesaid scheme.

12. Counsel submits that the case of petitioner does not fall in any of the category mentioned above, as such, the petitioner is not entitled to get any benefit as per the scheme. Counsel also submits that the submissions made by the counsel for the petitioner is wrong that he has not received ex-gratia amount as against the specific pleading of receiving 24 lakhs and odd after death of petitioner including ex-gratia, there is no denial made.



13. In the light of the submission made by the parties , this Court finds that the SBI new Scheme i.e. SBI Scheme for Compassionate Appointment on Compassionate ground in Exceptional Cases-2014, the case of the petitioner does not come within the said category and upon receiving the payment of Rs. 24 Lakhs and odd, there are no hardships for the petitioner's family.

14. Accordingly, this writ petition is dismissed.

(Dr. Anshuman, J)

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