

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11348 of 2022

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1. Ranju Devi @ Ranju Thakur wife of Late Rajkumar Thakur, Resident of Village - Lakhnaur, P.S. - Lakhnaur, Dist. Madhubani - 847403 presently residing at 3A, Block A Devashthali Apartment, Anandpuri, P.S. - S.K. Puri near old HP Gas godown, Dist.- Patna 800013.
 2. Ashutosh Kumar Thakur son of Late Rajkumar Thakur, resident of Village - Lakhnaur, P.S. - Lakhnaur, Dist. Madhubani - 847403. Presently residing at 3A, Block A Devashthali Apartment, Anandpuri, P.S. - S.K. Puri, near old HP gas godown, Dist. - Patna, 800013.

... .. Petitioner/s

Versus

1. The Central Bank of India Mumbai through the Chairman of Head Office, Mumbai, Maharashtra.
2. The Zonal Office Bihar Central Bank of India, through the Zonal Manager Bihar.
3. The Regional Manager Central Bank of India, Regional Office, Allapatti, Darbhanga.
4. The Chief Manager, HRD, Central Bank of India Regional Office, Allapatti, Darbhanga.
5. The Branch Head of Central Bank of India Benta Branch, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv
For the Respondent/s : Mr.Bimlendu Mishra, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioners and
learned counsel for the respondent.

2. The father of petitioner no. 2 died, while in-
harness on 22.05.2014. The writ application has been filed
seeking compassionate appointment in August, 2022.

3. The learned counsel for the petitioners submits
that the application has recently been rejected, and therefore the



writ application has been filed. Reference is made to communications dated 05.11.2021 (Annexure 7) as well as 19.01.2022 (Annexure 9), to submit that it is only after the rejections, which are non-speaking, that the petitioners have approached this Court for the benefit.

4. The learned counsel for the Bank has appeared, and he has opposed the prayer for relief based on the averments made in the writ petition and documents relied upon by the petitioners.

5. The records, as per averments in the writ petition, show that petitioners' claim for compassionate appointment was rejected on 06.11.2014 (Annexure 2). He was allowed to make application for *ex gratia* payment, which also he has immediately submitted thereafter, which is evident from Annexure 3 to the writ petition, which is dated 02.01.2016. The petitioners' subsequent application again for compassionate appointment was also returned on 23.05.2016 (Annexure 5). The petitioners have never assailed the initial rejection of his claim on 06.11.2014 (Annexure 2). The petitioners, having accepted the said situation as far back as on 06.11.2014 (Annexure 2) now cannot be allowed to raise the same claim by placing reliance on information issued by the Public Information Officer



as contained in Annexure 7, dated 05.11.2021 or the subsequent communication dated 19.01.2022 (Annexure 9).

6. It is trite law based on the decision of the Apex Court in the case of *Union of India & Ors. vs. C. Girija & Ors.* reported in **(2019) 15 SCC 633** that the cause of action will not be revived by any subsequent communication, and for the purposes of examining whether the petitioners have diligently approached the Court, the initial order (in this case dated 06.11.2014), has to be considered, and subsequent communication, merely because the petitioners continue to make application will not confer a fresh cause of action.

7. Another aspect of the matter is that the claim in question is that of compassionate appointment, the whole concept of which is to provide immediate succour to the dependent of the deceased employee in harness. The petitioners' claim even as per the concept of compassionate appointment is belated.

8. Learned counsel for the petitioners, at this juncture, submits that he would be pursuing his claim for *ex gratia*.

9. With such liberty, as prayed for, writ petition is



dismissed.

(Madhuresh Prasad, J)

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