

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15520 of 2022

Manish Kumar Jha, Son of Late Raj Kumar Jha, Resident of Mohalla- Adarsh Nagar Colony, Hanumanbag, P.S. Madhubani, District- Madhubani, presently residing at A-309 B, Durga Vihar, Devli, South Delhi, Pin- 110062.

... .. Petitioner/s

Versus

1. The Central Bank of India through its Chairman, Central Office, Chandramukhi, Nariman Point, Mumbai, 400021.
2. The Chairman, Central Bank of India, Central Office, Chandramukhi, Nariman Point, Mumbai, 400021.
3. The General Manager, Human Resources Department, Central Bank of India, Central Office, Chandramukhi, Nariman Point, Mumbai, 400021.
4. The Chief Manager (H.R.D.), Central Bank of India, Regional Office, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Satish Chandra Jha 3, Advocate Mr. Shambhoo Kumar Suman, Advocate
For the Respondent/s	:	Mr. Ajit Kumar Sinha, Advocate Mr. Vibhuti Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 12-07-2023

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner's father died while in harness on 14.10.2018. It is an admitted position based on the pleadings that the petitioner's date of birth is 28.02.1988. As on the date of death of his father, he had crossed the normal upper age limit of 30 years, for the purposes of appointment, by 8 months. He has made an application for compassionate appointment much later, i.e. on 26.07.2022, nearly four years after his father had passed



away. The same has been rejected by the impugned order dated 29.08.2022.

3. It is submitted by Mr. Satish Chandra Jha, learned counsel appearing for the petitioner, that Clause 6 and 7 of the policy for appointment on compassionate grounds provides for exemptions and relaxations, which reads as follows:-

“6. EXEMPTIONS

6.1 Compassionate Appointment under the scheme is exempted from observance of the following requirements:

6.1.1 Normal Recruitment Procedure i.e without the agency of selection like IBPS/Employment Exchange, Recruitment Board of Bank, etc.

6.1.2 The ban orders on filling up of posts issued by Government of India or any controlling authority.

7. RELAXATIONS

Upper age limit could be relaxed wherever found to be necessary. The lower age limit shall, however, in no case be relaxed below 18 years of age.

Note-1: Age eligibility shall be determined with reference to the date of application and not the date of appointment;

Note-2: Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of age limit also, for making such appointment. ”

4. It is further submitted that the petitioner had sought relaxation, which has been rejected without assigning any reasons. He was entitled to relaxation of the upper age limit as per Clause 7. It is explicit from Clause 6 that compassionate appointment is exempt from normal recruitment procedure.



Petitioner, thus, should have been offered the compassionate appointment.

5. Learned counsel for the respondent-Bank on the other hand relies upon Clause-5 of the same policy for appointment on compassionate grounds, which reads as follows:-

“5. ELIGIBILITY

5.1 The family is financially indigent and deserves immediate assistance for relief from financial destitution; and

5.2 Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions to the relevant Recruitment Rules. Similarly, payment of lumpsum ex-gratia amount can be used only when other conditions of compassionate appointment are fulfilled.”

6. It is the submissions of learned counsel for the respondent-Bank that the relaxation being claimed by the petitioner under the policy has to be considered by keeping all the provisions of the policy in view and not by considering one provision in isolation. As per Clause 5.2, applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provision of the relevant Recruitment Rules. Referring to the said provision, he has placed reliance on the communication from the Human Resource Development – Industrial Relation Policy Wing of the Bank dated 23.04.2021. Referring to the general guidelines



applicable for recruitment, Annexure-I thereof, he submits that for the purposes of recruitment, relaxation in upper age limit as per the Recruitment Rules is to be guided by this Annexure-I wherein there is no relaxation for persons of unreserved category such as the instant petitioner. The petitioner, therefore, has no right to relaxation and, therefore, the prayer in the writ application is without any substance.

7. On consideration of the rival submissions, the facts and circumstances of the case and also after taking into consideration the policy for compassionate appointment, this Court would find that clause 5 regarding eligibility clearly stipulates that the applicant for compassionate appointment should be eligible and suitable in all respects. Clause 7 confers discretion upon the competent authority for relaxing the upper age limit for compassionate appointment. The Note-2 below clause 7 clearly mentions that the authority competent to take final decision for making compassionate appointment shall be the authority competent to grant relaxation of age limit also, for such appointment.

8. The various clauses of the policy referred to by the parties, have to be read as a whole to give effect to all the clauses, without leaving any part as surplus or otiose. The law



regarding such construction of provisions is by now well settled. The Court would refer to decision of the Hon'ble Apex Court in the case of ***Rajendra Prasad Yadav & Ors. vs. the State of M.P. & Ors.*** reported in ***(1997) 6 SCC 678***.

9. Upon such construction of the clauses referred to and relied upon, it is clear that relaxation of the upper age limit is to be given by the competent authority. The competent authority has issued general guidelines applicable for recruitment vide "Human Resource Development-Industrial Relation Policy Wing" dated 23.04.2021. Annexure-I thereof contains the relaxation clauses for relaxing upper age limit. In so far as unreserved/general category applicants are concerned, it does not provide any relaxation in upper age limit. The relaxation is provided only for scheduled cast/scheduled tribe candidates, other backward classes and persons with disability. The petitioner is an applicant under the unreserved/general category. Therefore in terms of the general guidelines and the provision regarding relaxation in upper age limit, the petitioner is not entitled to any relaxation in the upper age limit whatsoever. The petitioner's claim for relaxation in upper age limit for availing the benefit of compassionate appointment, therefore, is clearly untenable.



10. Having concluded so, the Court is of the opinion that rejection of his claim under the impugned order dated 29.08.2022 and its communication vide letter dated 03.09.2022 require no interference.

11. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2023
Transmission Date	NA

