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28.08.2023
D.Hira
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**FMA 2645 of 2015
With
CAN 1 of 2015 (Old No. CAN 1894 of 2015)**

**Anil Kumar Singh
Versus
State Bank of India & Ors.**

**Mr. Subrata Ghosh.
... for the appellant**

**Mr. S.K. Sinha,
Mr. Sudeep Pal Choudhuri,
Ms. Diya Nandi.
... for the SBI**

The present appeal is filed challenging the order dated 22nd January, 2015 made in W.P. no. 123 (W) of 2015.

According to the appellant, his father died in harness on 2nd March, 2003 while working in the respondent bank. The appellant applied for compassionate appointment on 7th May, 2003. The said application was rejected by the respondent bank on 31st March, 2005. The compassionate appointment scheme in the public sector undertaking was abolished in the year 2005 and the new scheme of payment of ex-gratia lumpsum amount was introduced. Again, the said scheme was abolished and in the year 2014 appointment on compassionate ground was introduced with certain conditions.

On 26th September, 2014 the appellant again made an application for his appointment on compassionate ground. The said request was rejected by the letter dated 17th October, 2014.

Challenging the said order the appellant has filed the writ petition being W.P. 123 (W) of 2015.

Learned Judge considering the above facts dismissed the writ petition.

Against the said order of dismissal the appellant has come out with the present appeal.

Learned counsel appearing for the appellant reiterated the averments made in the writ petition as well as in the ground of appeal and prayed for allowing the writ petition.

Learned counsel appearing for the respondent bank made submission in support of the order passed by the learned Single Judge and prayed for dismissal of the appeal.

Heard Mr. Subrata Ghosh, learned counsel appearing for the appellant and Mr. S.K. Sinha, learned counsel appearing for the S.B.I.

From the materials on record it is seen that the father of the appellant was died on 2nd March, 2003. The application made by the appellant for compassionate appointment was rejected by the respondent bank on 31st March, 2005. The appellant has not challenged the said order. After abolition of compassionate appointment scheme and reintroduction of said scheme in the year 2014, again appellant sent a letter dated 26th September,

2014. The said letter was considered and reply was sent on 17th October, 2014. From the reply it is seen that respondents have stated that appellant's application on compassionate ground was rejected.

As per scheme for payment of ex-gratia, the appellant has to make application within six months from the date of death of the employee in the prescribed form or if any application for appointment on compassionate ground is pending as on 4th August, 2005, an application has to be made on or before 31st May, 2006.

The application dated 7th May, 2003 for appointment on compassionate ground made by the appellant when the original scheme was in force and was rejected by the respondent bank on 31st March, 2005.

The appellant did not challenge the order of rejection dated 31st March, 2005. After eleven years of death of the employee in the year 2014 and twenty years now, the appellant is claiming appointment on compassionate ground. The application on compassionate ground was dealt in detail by the Hon'ble Apex Court in the judgment of ***State of West Bengal vs. Debabrata Tiwari & Ors.*** reported in **2023 SCC Online SC 219**.

The Hon'ble Apex Court has categorically held that the compassionate appointment is to give immediate relief to the dependents family members of the deceased employee. If authorities fails to consider the application of the dependents of the family members of the deceased employee, they have to take proceedings immediately for

orders with regard to appointment on compassionate ground.

In the present case, the application of the appellant was rejected by the respondent bank on 31st March, 2005. The appellant did not challenge the said order.

In view of the judgment of Hon'ble Apex Court the appellant is not entitled to any appointment as on 2014 and in any event, as on today coupled with the fact that they failed to challenge the rejection of his application for compassionate appointment.

For the above reasons, this Court holds that there is no reason to interfere with the order of the learned Single Judge.

The appeal fails and dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)