

MAT 1745 of 2022
with
CAN 1 of 2022

State Bank of India & Ors.
vs.
Debi Mandal & Anr.

Mr. Subrata Kumar Sinha

....for the Appellants

Mr. Ambu Bindu Chakraborty

Ms. Mrinmoyee Roy Chowdhury

.... For the Respondents

Party/Parties is/are represented in the order of
their name/names as printed above in the cause-title.

Certified Copy of the order filed in Court today
along with Affidavit-of-Service be retained with the
records.

The appellant is the State Bank of India (SBI)
(for short the Bank). Being aggrieved by the final order
of the Hon'ble Single Bench dated 26th September,
2022 wherein the Hon'ble Single Bench directed the
Regional Manager of the appellant/Bank to consider
the representation of the writ petitioners dated 6th
August, 2019 by taking in to account the documents
submitted by the writ petitioners pursuant to the
enquiry dated 30th October, 2019 by the Bank. It was
further directed that the representation of the writ

petitioner No. 1 is to be considered in the light of the Memo issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services dated 16th August, 2022.

Mr. Sinha, learned Counsel appearing for the Bank, submits that the prayer of the writ petitioner No. 1 and the writ petitioner No. 2, who are the wife and son respectively of a deceased employee of the Bank, for compassionate appointment and for receipt of lump sum ex-gratia was rejected by a communication of 2005.

It is submitted that the writ petitioners applied for review of the order of rejection in 2019. Such delayed application for review of the rejection order cannot entitle the writ petitioners either to compassionate appointment or to lump sum ex-gratia.

Mr. Chakraborty, learned Counsel appearing for the writ petitioners/ the respondent Nos. 1 and 2 to this appeal, submits that by a letter dated 7th August, 2018 issued by the Chief Manager to the Regional Manager of the Bank, the application of the writ petitioners along with two others for review of the rejection of their prayers for appointment in the died in harness category was forwarded by the Chief Manager of the Bank to the Regional Manager.

Again by a communication dated 20th December, 2019, the Chief Manager wrote to the Regional Manager for submitting necessary documents as available in respect of the review application (*supra*) of the three persons, including the present writ petitioners. Thereafter, by a communication dated 30th October, 2019 addressed by the Regional Manager to the Chief Manager, the documents required were forwarded to the Chief Manager after rectifying the irregularities contained therein.

Mr. Sinha, learned Counsel, submits that a scheme for compassionate appointment was in existence in the Bank till 2005. After 2005 the scheme for compassionate appointment was discontinued and in place and stead the scheme for payment of Ex-Gratia lumpsum amount came into existence.

It is submitted by learned Counsel for the Bank that assuming but not admitting that the present writ petitioners/the respondent Nos. 1 and 2 to the appeal are eligible to claim review of the rejection by the Bank of their claim to compassionate appointment and payment of lump sum ex-gratia, such review can only be done by applying the law existing as on the date of death.

It is further submitted that any decision connected to the issue can only be taken by the Chief General Manager and not any other officer.

Having heard the parties and considering the materials placed, this Court directs the Chief General Manager of the Bank /the appellant No. 2 to take a decision taking into consideration all the relevant schemes, rules and provisions applicable on the date of death of the person who died in harness, connected to compassionate appointment or any other alternative scheme within a period of 12 weeks from this date, upon obtaining all the relevant documents including those lying with the Chief Manager and communicate such decision to the writ petitioners/the respondent Nos. 1 and 2 in this appeal. The order impugned of the Hon'ble Single Bench stands accordingly modified.

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stands accordingly **disposed of**.

Since affidavits are not invited, allegations made in the writ petition are deemed not to have been admitted.

All parties to act on a server copy of this order downloaded from the official website of the Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J)