

79.
23.3.2023
S.D.

W.P.A. 27964 of 2022

Smt. Durga Rani Bhakta & Anr.

Vs.

The Union of India & Ors.

Mr. Taraprasad Halder

... For the Petitioners

Mr. Baidurya Ghosal

Ms. Aatreyee Dutta

...For the Respondent Nos. 3 to 6

In the present writ petition, the petitioner no. 1 has prayed for (a) compassionate appointment of petitioner no. 2, her son. The petitioner no.1's husband died-in-harness as an employee of the bank on July 7, 2004. The petitioner no.1 has been working as a contractual employee since August 23, 2004. The petitioner no. 1 has prayed for (b) regularization of her employment. The petitioner no. 1 has also prayed for (c) release of certain monetary benefits that was payable to her as death benefits of her deceased husband.

Mr. Ghosal, learned counsel appearing on behalf of the respondent nos. 3 to 6 hands over a report on affidavit in Court today.

Such report is retained with the records.

It appears from the said report that a sum of Rs.61,701/- on account of gratuity is due and payable to the petitioner no. 1 as the death benefits of her deceased husband. He submits a cheque for the amount that is due and payable in favour of the petitioner no. 1 is ready with the branch concerned of the Bank and in the event, she wishes to accept, the same will be paid to her by tomorrow.

Mr. Halder, learned counsel appears for the petitioners and submits that the petitioners are willing to accept the said payment without prejudice to the rights and contentions that this is not the entirety of the dues that the petitioners are entitled to.

In the circumstances, the petitioners are directed to approach the officer concerned of the respondent/bank within one week from date for collection of the admissible dues payable to them.

It appears from the annexure to the writ petition that a prayer for compassionate appointment to the petitioner no. 2 was made on March 14, 2012. However, there is no stamp or seal of the bank to show that such prayer was made in 2012.

There is also no averment with regard to how the said representation was served on the respondent/bank. It has been stated in the Writ petition (paragraph 13) that the

representation for compassionate appointment was duly received by the office of the respondents but it is doubtful that any such representation has been received by the bank without any stamp or seal showing the date of such receipt.

In any event, without going into the disputed questions of facts, this Court directs that in the event the petitioner no. 2 makes a representation to the respondent/bank within four weeks from date, such representation will be considered for compassionate appointment within six weeks thereof as per the extant rules, policies and scheme of the bank that was applicable on the date of death of the petitioner no. 2's father and the reasoned order be communicated within two weeks thereof.

Mr. Ghosal submits that the petitioner no. 1 has stopped working with the bank from 2013. At present, she is not employed with the bank but she is receiving family pension.

This Court is of the view that only if a regular post was available with the bank, the question of absorption of the petitioner no. 1 could have been considered.

However, since no reasoned order was communicated by the bank to her prayer for regularization, the representation of the petitioner no. 1 dated September 22,

2011 will be considered by the respondent/bank within eight weeks from date and a reasoned order be communicated to her within two weeks thereof.

Exception to the report on affidavit is also retained with the records.

With the directions aforesaid, **W.P.A. 27964 of 2022** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)