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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO.9899 OF 2022

**SAYALI PANKAJ KEDARE AND OTHERS
VERSUS
THE CENTRAL BANK OF INDIA, THROUGH ITS
ASSISTANT GENERAL MANAGER AND OTHERS**

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Mr M. N. Navandar, Advocate for petitioners;
Mr S. V. Warad, Advocate for respondent Nos.1 to 4
Mr S. H. Jagiasi, Advocate for respondent Nos.5 & 6

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th February, 2023

PER COURT:

1. On 27/09/2022, we had passed the following order :-

“1. The petitioner No.1 is a widow who has put forth prayer Clauses ‘B’, ‘C’ and ‘D’ as under :-

(B) By issuing Writ of Mandamus or appropriate directions in the nature of said Writ the Respondent Nos.1 to 4 Central Bank of India be directed to consider the petitioner No.1 for appointment on Compassionate Grounds in place of her deceased husband Late. Shri. Pankaj s/o. Sarangdhar Kedare in its Branch Office at Nimbhora i.e. Respondent No.4.

(C) By issuing Writ of Mandamus or appropriate directions in the nature of said Wit, the Respondent Nos.1 to 4 Central Bank of India be directed to issue appointment order to petitioner No.1 on

(2)

Compassionate Grounds on the basis of order dated 08.02.2022 passed by the Ld. Jt.C.J.J.D. Bhusawal in Misc. Civil Application No.135/2021 whereby petitioner is declared as Legal Heir of her deceased husband Late. Shri Pankaj s/o Sarangdhar Kedare in its Branch Office at Nimbhora i.e. Respondent No.4.

(D) That, pending hearing and final disposal of this petition, the Respondent Nos.1 to 4 Central Bank of India be directed to issue appointment order to petitioner No.1 on Compassionate Grounds on the basis of Order Dated.08.02.2022 passed by the Ld. Jt. C.J.J.D. Bhusawal in Misc. Civil Application No.135/2021 whereby petitioner is declared as Legal Heir of her deceased husband Late. Shri. Pankaj s/o Sarangdhar Kedare in its Branch Office at Nimbhora i.e. Respondent No.4.

2. Petitioner No.1 lost her husband on 29-04-2021 in the COVID-19 pandemic. Petitioner Nos.2 and 3 are the minor son and daughter. Due to a family discord, the respondent Bank is not responding to the request of the widow.

3. Issue notice to the respondents, returnable on 14/11/2022.

4. All office objections be removed.”

2. After hearing the learned Advocates for the petitioners, the parents-in-law of petitioner No.1-widow and on behalf of the respondent/Bank, it appears that this problem is being resolved with the gracious intervention of all the three lawyers.

(3)

3. It is undisputed that the husband of petitioner No.1 and father of a male child, who is 4 years of age and a girl child, who is 1 ½ years old, passed away due to the COVID-19 Pandemic, at a very young age. The respondent/Central Bank of India has a laudable scheme of granting Rs.20,00,000/- as a financial assistance/ compensation, in each case of death of their employee on account of COVID-19 Pandemic. The appreciable part of this scheme is, that the legal heirs of the deceased would be eligible for compassionate appointment, notwithstanding the payment of compensation of Rs 20 lakhs, which is only because of the untimely death due to the COVID-19 Pandemic.

4. The learned Advocate for the parents-in-law, respondent No.5 (Mother-in-law) and respondent No.6 (Father-in-law, who is a pensioner, having retired from BSNL), pray for Rs.5,00,000/- out of this compensation amount. The learned Advocate for petitioners, on instructions, submits that the amount of Rs. 5,00,000/- can be straightaway deposited in the account of the Father-in-law, by the respondent/Bank and the remaining Rs.15,00,000/- can be deposited in the Bank Account of petitioner No.1. The learned Advocate for the Bank submits on instructions

(4)

that, this arrangement will fall within the scheme of rendering assistance and the Bank has no objection.

5. Insofar as the compassionate appointment to petitioner No.1-widow is concerned, the respondent Bank has graciously stated that the application of the petitioner would lead to the enlistment of the petitioner in the list of eligible candidates for compassionate appointment, considering the date of demise of her husband. She is M.A. English educated and has applied for the post of a 'Clerk' and such application can be favourably considered by the Bank, subject to its Rules. He, however, points out Clause 15 of the Policy for appointment on compassionate ground or payment of lump-sum exgratia amount, which reads as under :-

**"15. AFFIDAVIT FOR MAINTENANCE OF THE FAMILY
OF THE DECEASED EMPLOYEE**

The person appointed on compassionate grounds under the scheme or who has been paid amount of lumpsum ex-gratia amount, should give an undertaking in writing (as in Annexure IV) that he/she will maintain properly the other family member who were dependent on the deceased employee in question, and in case it is proved subsequently (at any time) that that family members are being neglected or are not maintained properly by him/her, his or her appointment may be terminated forthwith or payment of lumpsum ex-gratia amount paid to him/her would be

(5)

recovered. This clause should be incorporated as one of the conditions in the offer of appointment applicable only in the case of appointment on compassionate ground or while conveying sanction of amount of lumpsum ex-gratia amount.”

6. We find from Clause 15 that, a person who is to be appointed on compassionate grounds under the scheme, has to give an undertaking in writing that he/she will properly maintain the other family members, who were dependent on the deceased employee. In our view, this Clause would not be an impediment or hurdle to the petitioner since the Father-in-law, who retired from the post of Senior Telecom Operating Assistant (TOA) from BSNL, is a pensioner, who has also received all service benefits post retirement and the Mother-in-law of the widow, i.e. wife of the said retired employee, is dependent upon the pensioner i.e. her husband. Their married daughter is residing with her husband, who is unemployed. The daughter is sick. Hence, the pensioner father takes care of the married daughter and the son-in-law.

7. The above situation of the parents-in-law, therefore, would not be an impediment as the retired BSNL employee draws a pension. So also, these minor differences/internal family squabbles, need not be an impediment in the enlistment of the

(6)

petitioner No.1-widow in the list of the eligible candidates for compassionate appointment. It is almost 21 months post the demise of the husband of petitioner No.1 and she already has lost the seniority in the list of eligible candidates, as the Bank is yet to approve her application due to the family squabbles. In these 21 months, other candidates, who have already got listed, have gained seniority above the petitioner No.1.

8. It is in these circumstances, that we are taking a holistic view in the larger interest of the widow and her children, who are 4 years and 1 ½ years old, so as to facilitate compassionate appointment, in view of the cooperation of the Bank. Hence, considering that the family members were not dependent on the deceased husband of the widow and they were dependent on the pension being earned by respondent No.6, Clause 15 would not apply to the case of petitioner No.1. We, therefore, expect the Bank to take urgent steps and enlist petitioner No.1 widow in the list of eligible candidates for compassionate appointment, urgently.

9. The learned Advocates representing the petitioners and respondent Nos.5 and 6 (Pensioner) submit that, they would sit

(7)

together and resolve their internal family issues pertaining to the visitation rights with regard to the grand children, and for resolving other cases, which have been filed inter-se between them, so as to bring an end to this difficult situation. We appreciate the said gesture.

10. Considering the above directions and observations, this petition is disposed off.

11. Before parting, we deem it appropriate to appreciate the role played by the learned Advocates for the petitioners, the parents-in-law and the Bank.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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