

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) 2071/2020

WRIT PETITION (WP) 2390/2020

WRIT PETITION (WP) 2963/2020

WRIT PETITION (WP) 2071/2020

Gaurav Bharat Ladhe
aged about 26 years, Occ. Service,
R/o Ghatanji Tq. Ghatanji
Dist. Yavatmal.

..... PETITIONER

// VERSUS //

1. The Union of India through Ministry of Finance, Department of Financial Services through it's Secretary, New Delhi.
2. The State of Maharashtra, through Ministry of Finance, Mantralaya, Mumbai.
3. The National Bank for Agricultural and Rural Development (NABARD)
Plot No. C-24, G-Block, Bandra Kurla Complex, Bandra-Kurla Complex road, Bandra (East) Mumbai – 400051
Maharashtra
4. The Vidarbha Kokan Gramin Bank, Government of India, Bank of India and Government of Maharashtra undertaking, through it's Chairman having office at 'Chandraprastha', Plot No. 6, 2nd and 3rd Floor, Deendayal Nagar, Nagpur-22.
email.- vkgbho@gmail.com
5. The General Manager,
The Vidarbha Kokan Gramin Bank
Government of India, Bank of India, and Government of Maharashtra undertaking

having office at 'Chandraprastha', Plot No. 6, 2nd and 3rd Floor, Deendayal Nagar, Nagpur-22.

Email – vkgbho@gmail.com

6. The Branch Manager,
The Vidarbha Kokan Gramin Bank
Branch Ghatanji, Tq. Ghatanji,
Dist. Yavatmal.

.... RESPONDENT(S)

WITH

WRIT PETITION (WP) 2390/2020

Ashish Ashok Nagdeote
aged about 28 years, Occ. Service,
R/o Udaipur Post – Paradgaon,
Tq. Bramhapuri, Dist. Chandrapur.

..... PETITIONER

// VERSUS //

1. The Union of India through Ministry of Finance, Department of Financial Services through it's Secretary, New Delhi.
2. The State of Maharashtra, through its secretary, Ministry of Finance, Mantralaya, Mumbai.
3. The National Bank for Agricultural and Rural Development (NABARD)
Plot No. C-24, G-Block, Bandra Kurla Complex, Bandra-Kurla Complex road, Bandra (East) Mumbai – 400051
Maharashtra
4. The Vidarbha Kokan Gramin Bank,
Government of India, Bank of India and Government of Maharashtra undertaking, through it's Chairman having office at 'Chandraprastha', Plot No. 6, 2nd and 3rd Floor, Deendayal Nagar, Nagpur-22.
email.- vkgbho@gmail.com

5. The General Manager,
The Vidarbha Kokan Gramin Bank
Government of India, Bank of India, and
Government of Maharashtra undertaking
having office at 'Chandraprastha', Plot
No. 6, 2nd and 3rd Floor, Deendayal
Nagar, Nagpur-22.
Email – vkgbho@gmail.com

6. The Branch Manager,
The Vidarbha Kokan Gramin Bank
Branch Nandaphata, Tq. Korpana,
Dist. Chandrapur.

.... RESPONDENT(S)

WITH

WRIT PETITION (WP) 2963/2020

Akshay Babanrao Hiwrale,
Aged about 26 years, Occu. Nil,
R/o "Ajinkya", Surekha Layout,
near Water Tank, Malkapur Road,
Akola, tq and Dist. Akola

..... PETITIONER

// VERSUS //

1. Vidharbha Konkan Gramin Bank,
Through, its General Manager,
Having its Office at 'Chandraprastha'
2nd and 3rd floor, Plot No. 6, Deendayal Nagar,
Ring Road, Nagpur, 440022.
2. Regional Manager, Vidarbha Konkan Gramin Bank,
"Madhumalti" Building, Gupte Marg,
Jatharpeth, Akola,
Tq. and Dist. Akola.

.... RESPONDENT(S)

WP 2071/2020

Mr. A.P. Thakare, Advocate for the petitioner

Mr. N.S. Deshpande, Deputy Solicitor General of India for respondent 1

Mr. M. K. Pathan, AGP for respondent 2

Ms. Radhika Bajaj, Advocate for respondents 4 to 6

WP 2390/2020

Mr. A.P. Thakare, Advocate for the petitioner

Mr. N.S. Deshpande, Deputy Solicitor General of India for respondent 1

Mr. M. K. Pathan, AGP for respondent 2

Ms. Radhika Bajaj, Advocate for respondents 4 to 6

WP 2963/2020

Mr. A.R. Deshpande, Advocate for the petitioner

Ms. Radhika Bajaj, Advocate for respondent

**CORAM : ROHIT B. DEO AND
Y.G. KHOBRAGADE, J.J.**

DATED : 06/02/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent.

3. The issue is common and the controversy lies in extremely narrow compass.

4. The respondent – Vidharbha Konkan Gramin Bank is Regional Rural Bank (RRB) which adopted the Scheme of compassionate appointment which was in place for the Public Sector Banks, vide Resolution of the Board of Directors dated 18.03.2019.

5. Clauses 8.1 and 8.2 of the Scheme read thus:-

“8.1. Application for employment under the Scheme from eligible dependent should normally be considered upto five years from the date of retirement on medical grounds and decision to be taken on merit in each case.

8.2. However, Bank can consider request for compassionate appointment even when the death or retirement on medical grounds of the employee took place long back, even five years ago. While considering such belated requests, it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the employee in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the Board level.”

6. The petitioner in Writ Petition 2071/2020 was appointed as Office Assistant (Multipurpose) on compassionate ground on 18.11.2019 in view of the death his father on 19.07.2018;

The petitioner in Writ Petition 2390/2020 was appointed as Office Assistant (Multipurpose) on compassionate ground in view of the death of his father on 22.09.2017 and;

The petitioner in Writ Petition 2963/2020 was appointed on compassionate ground on 18.11.2019 as Office Assistant (Multipurpose) in view of the death of his father in harness on 19.07.2017.

7. The petitioners are terminated vide separate orders dated 22.06.2020 issued by the RRB on the instructions of National Bank for Agriculture and Rural Development (NABARD).

8. While the NABARD has chosen not to appear in Writ Petitions 2071/2020 and 2390/2020, what is discernible from the record is that NABARD directed the RRB to terminate the services of the petitioners on the premise that the appointments are not in consonance with the Government of India instructions. While the stand of the NABARD is not articulated with precision, presumably the objection is that the Scheme cannot be made applicable with retrospective effect, and where the employee has expired prior to RRB adopting the Scheme. Even de hors the other legal niceties, we note that the foundation for the action impugned is factually incorrect. The Scheme, the relevant clauses of which we have extracted *supra* do permit appointments on compassionate ground, if the death of the employee has occurred within the span of five years preceding the adoption of the Scheme.

9. In this view of the matter, we need not delve deeper in the other questions which are raised, inter alia, that the petitioners were not heard before terminating their services. We are satisfied, that the action of termination is patently illegal and cannot withstand the scrutiny of law even for the moment.

10. We quash the orders of termination and direct that the petitioners be reinstated forthwith with every consequential benefit including continuity of service and backwages. We expect the RRB to act on this order within eight weeks.

11. The petitions are allowed in the aforestated terms.

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2023.02.08 10:35:15
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