



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

WRIT PETITION NO. 5072 OF 2022

PETITIONER : 1. Shubham s/o Chhotelal Lilhare,
Aged about 26 years, Occ. Agriculture,
R/o Village Nagra, Tahsil & District
Gondia

//VERSUS//

RESPONDENTS : 1. Government of India, Ministry of
Finance, Through it Secretary,
Department of Financial Services,
Jeevan Deep Building, Parliament
Street, New Delhi – 110001.

2. National Bank for Agriculture and
Rural Development, [NABARD],
Maharashtra Regional Office, through
its Chief General Manager, 54,
Wellesley Road, Shivaji Nagar,
Pune-411005

3. Vidharbha Konkan Gramin Bank,
Government of India, Bank of India &
Government of Maharashtra
Undertaking Having its Head Office at
2nd & 3rd Floors, “Chandraprasth”, Plot
No.6, Deendayal Nagar, Ring Road,
Nagpur-440022, through its
Chairman.

4. Vidharbha Konkan Gramin Bank,
Government of India, Bank of India &
Government of Maharashtra
Undertaking Having its Regional
Office at Shri Shyam Bahvan,
Radhakrishnan Marg, Station Road,
Bhandara-441904, through its
Regional Manager

Mr. R.M. Pandey, Advocate for the petitioner.

Mr V.A. Brahme, Advocate for respondent Nos.3 and 4.

CORAM : SMT. ANUJA PRABHUDESSAI AND
MRS. VRUSHALI V. JOSHI, J.J.
DATED : DECEMBER, 1st 2023.

ORAL JUDGMENT (PER:-SMT. ANUJA PRABHUDESSAI, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the respective parties.

3. The petitioner made an application for appointment on compassionate ground in view of death of his father on 18.10.2018 who was working as Office Attendant with respondent No.4-Bank, which is a Regional Rural Bank (R.R.B) under the administration and control of respondent Nos.1 and 2. The application has been rejected mainly on the ground that the father of the petitioner had expired prior to R.R.B. adopting the Scheme.

4. The petitioner has relied on the decision in Writ Petition No.2071/2020 with other connected matters (*Gaurav Bharat Ladhe Vs. The Union of India and Ors.*) wherein the challenge was to the termination of appointments on compassionate ground. One of the questions raised was that the appointments were not in consonance with Government of India instructions. It was alleged that the scheme cannot be made applicable with retrospective effect and would not be applicable when the employee had expired prior to R.R.B adopting the scheme. This Court has observed that the Scheme does permit appointment on compassionate ground, if the death of the employee had occurred within the span of five years preceding the adoption of the Scheme. In the instant case, the death of the father of the petitioner was undisputedly within the span of five years preceding the adoption of the Scheme.

5. Hence, petition is allowed with direction to the respondent Nos.3 and 4 to reconsider the case of the petitioner for being appointed on compassionate ground with respondent No.4-Bank in view of death of his father late Shri Chhotelal Lilhare. Respondent Nos. 3 and 4 shall take the decision in the matter within a period of four weeks from the date of receipt of this order.

6. The Writ Petition stands disposed of. No costs.

(VRUSHALI V.JOSHI,J.)

(ANUJA PRABHUDESSAI,J)

manisha