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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-11306-2016

Date of Decision:16.10.2023

RATNI DEVI AND ANR

..... Petitioners

Versus

PUNJAB NATIONAL BANK AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sachin Gupta, Advocate
for the petitioners.

Mr. Sourav Verma, Advocate with
Ms. Preeti Grover, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 02.02.2015 (Annexure P-8) and letter/order dated 30.04.2015 (Anneuxre P-7) whereby request of the petitioners for compassionate appointment has been rejected.

2. Mr. Ram Saroop (husband of petitioner No.1) joined respondent-Bank on 20.07.1989 on the post of Clerk. He was promoted to the post of Head Cashier. After completing service of 25 years, he passed away on 30.05.2014 in harness. He was survived by two unmarried daughters, one son and wife. The petitioner No.1 being wife and No.2 being son of the deceased employee applied for compassionate appointment. The respondent-Bank agreed to pay ex-gratia compassionate amount in terms of policy existing prior to

30.05.2014, however, petitioner did not accept offered amount and insisted for compassionate appointment in terms of compassionate policy which came into force w.e.f. 05.08.2014.

3. Learned counsel for the petitioners submits that policy dated 25.09.2014 (Annexure P-3) which came into force w.e.f. 05.08.2014 is a beneficial policy and it is meant for the family members of an employee who dies in harness. The object of the policy is to tide over the family from destitution and prevent from being driven to penury. It is a piece of beneficial legislation, thus, respondent was supposed to consider case of the petitioner despite the fact that death of husband of the petitioner took place on 30.05.2014 and new policy came into force w.e.f 05.08.2014.

4. Per contra, learned counsel for the respondents submits that respondent-Bank in terms of policy existing on 30.05.2014 offered a sum of Rs.7 lakhs, however, the petitioner declined said offer of the respondent-Bank. The petitioner is not entitled to benefit of the policy dated 25.09.2014 which came into force w.e.f 05.08.2014. In the policy, it is specifically provided that it would be applicable to employees who have died on or after 05.08.2014.

5. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

6. From the perusal of record, it comes out that husband of the petitioner No.1 passed away on 30.05.2014 and on the said date, there was policy which permitted compassionate compensation. Policy dated 25.09.2014 came into force w.e.f. 05.08.2014 and in the policy, it is specifically provided that all cases where death of employee has occurred on or after 05.08.2014 shall be covered by this policy. It is true that intent

and purport of the policy is to tide over the family of a deceased employee from destitution. The intent and purport is to extend immediate help to the bereaved family. The object of the policy is not to give employment in an indirect method. Ignoring the mandate of law with respect to appointment on public posts, family members of a deceased employee are granted appointment on pure compassionate ground. In the policy relied upon by the petitioner, it has been specifically mentioned that in the case of expiry of long time, Bank shall consider the fact that family has been able to manage somehow all the years and has some dependable means of subsistence.

7. In the case in hand, the petitioners are getting pension since the death of the deceased employee. The death took place in 2014 and at this belated stage, it would not be just and fair to ask the Bank to extend benefit of policy which was not in operation at the time of death of the employee. Thus, the claim of the petitioners *qua* compassionate appointment is rejected and impugned orders are upheld. The petitioners were offered a sum of Rs.7 lakhs in 2015 which till date is lying with Bank. The respondent-Bank is directed to pay aforesaid amount alongwith interest @ 9 % per annum to the petitioners within 2 months from today.

8. The petition stands disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

16.10.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>