

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

209

CWP-19366-2017

Date of Decision : 07.07.2023

Laxmi Devi and another

..... Petitioners

Versus

Vijya Bank and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ashish Pundir, Advocate for
Mr. Satya Veer Singh, Advocate
for the petitioners.

Mr. Gaurav Deep Goel, Advocate
for the respondents-bank.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of Constitution of India are seeking quashing of order dated 28.09.2011 (Annexure P-5) and order dated 18.11.2011 (Annexure P-7) whereby application of the petitioners seeking ex-gratia amount in lieu of appointment on compassionate ground has been dismissed on the sole ground that application was filed beyond time prescribed in the policy.

2. The case of the petitioners is that husband of the petitioner No.1 and father of petitioner No.2 passed away in harness. The deceased employee was survived by petitioners and there was no other legal heir. The petitioners were in dire necessity of financial support. In terms of policy of the bank, the petitioners applied for compassionate appointment within 12 months from the date of death of bread earner of the family. The

respondents-bank did not pay heed to grievance of the petitioners which

compelled them to move an application seeking ex-gratia amount as permitted by policy. The respondents-bank did not dispose of application of the petitioners seeking compassionate appointment, however, rejected application of the petitioner seeking ex-gratia amount on the ground that it has been filed after 06 months i.e. period prescribed under the policy.

3. Learned counsel for the petitioners *inter alia* contends that the petitioners filed application seeking appointment of compassionate ground within 12 months i.e. period prescribed by the policy. On account of non disposal of said application, the petitioners were compelled to move an application seeking alternative relief. The said application has been rejected on the ground of delay. The rejection of application amounts to denial of substantial and compassionate benefit to the petitioners.

4. Learned counsel for the respondents submits that in the policy of the bank governing compassionate appointment or ex-gratia amount, it has been categorically provided that application seeking ex-gratia amount in lieu of appointment on compassionate ground shall be filed within 06 months whereas petitioners filed application after 03 years, thus, it was time barred and accordingly came to be rejected.

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

6. The conceded position emerging from the record is that bread earner of the family died on 22.09.2008 in harness. The petitioners moved an application dated 20.12.2008 seeking appointment on compassionate ground. The application seeking appointment on compassionate ground never came to be adjudicated. The petitioners moved an application on 16.09.2011 seeking ex-gratia amount in lieu of appointment on

compassionate ground. The said application has been dismissed on the sole ground of limitation.

7. The object of ex-gratia payment or compassionate appointment is to protect family of the deceased employee from destitution, penury and starvation. In the object clause of the policy framed by the respondent, it has been specifically noticed that object of the appointment on compassionate ground is not to give a member of the deceased employee's family a post, much less a post for a post held by the deceased, but to provide relief to the family of a deceased employee to tide over the sudden crisis brought about by his/her premature death. The relief envisaged would provide the distressed family immediate succor and financial assistance to recover from the unexpected deprivation of the income of the sole bread-winner of the family.

8. The respondent has rejected application of the petitioner in a cryptic and mechanical manner. The respondent has adopted highly technical and pedantic approach instead of sympathetic and humanitarian which is foundation of all the compassionate policies. Even otherwise, the petitioners had moved an application within prescribed time seeking compassionate appointment. On account of non-disposal of said application, the petitioners were forced to seek alternative relief. The respondents were duty bound to treat alternative application as relating back to original application seeking compassionate appointment. It is apt to notice that as per policy, application for compassionate appointment could be moved within 12 months and application for ex-gratia amount could be moved within 06 months and petitioners moved application within 3 months from the date of death of the employee. The alternative relief should not be

treated as fresh application whereas it should have been considered as continuation of earlier application and must relate back to original application.

9. In view of the aforesaid facts and findings, the present petition deserves to be allowed and accordingly allowed. The respondents-bank is directed to make payment of ex-gratia amount along with interest @ 6% per annum. The interest shall be calculated from the date of filing of this writ petition because petitioners took considerable time in filing writ petition after rejection of their application. The bank cannot be held responsible for the said period. It is further made clear that the aforesaid amount shall be paid to the petitioners within three months from today.

(JAGMOHAN BANSAL)
JUDGE

07.07.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>