

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3385 of 2020

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Snehadeep Sarkar Son of Late Sandeep Kumar Sarkar, Resident of
Bahadurpur Ward No. 26, P.S.- Mufassil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The Zonal Manager, Life Insurance Corporation of India, Jeevan Deep , 4th
Floor, East Central Zonal Office, Exhibition Road, Patna-800001.
2. The Senior Divisional Manager (P & I R) Begusarai Division, Vishnu
Cinema Campus, Deep Shikha Road, Begusarai, Pin - 851101.
3. The Branch Manager, Life Insurance Corporation of India, Dalsingsarai
Branch, Thana Road, Dalsingsarai, Samsatipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjai Kumar Singh, Advocate
For the Respondent/s	:	Mr. Rakesh Kumar, Advocate
		Mr. Abhimanyu Vatsa, Advocate
		Mr. Sameer Sawarn, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 13-09-2024

Heard Learned Counsel for the petitioner and
Learned Counsel for the Life Insurance Corporation of India.

2. Learned Counsel for the Life Insurance
Corporation submits that hard copy of the counter affidavit may
be directed to be accepted in the Court today itself as the
counter affidavit had been filed during Covid period.

3. Learned Counsel for the petitioner submits
that the present writ petition has been filed for setting aside the
order dated 07.12.2019 issued by the Manager (P&IR)
contained in letter No.BGSDO/P&IR/COMP.Apptt., by which



the claim of the petitioner for appointment on compassionate ground has been rejected by respondent No.2. Further prayer has been made to set aside the order dated 27.03.2019, issued by the Manager (P & IR) contained in letter No.BGSDO/P & IR/COMP.Apptt., by which the claim of the petitioner for appointment on compassionate ground has been rejected. It has also been requested that case of the petitioner has been covered in the light of prevailing Circular 01.01.2018 when petitioner became eligible for appointment on compassionate ground.

4. Learned Counsel for the petitioner further submits that the petition for appointment on compassionate ground was filed on behalf of the petitioner in the year 2013 just after death of his father, but at that very time the petitioner was minor. Counsel submits that the petitioner applied his further representation in the light of Circular 2018 when he became major. Learned Counsel further submits that father of the petitioner was employee of Life Insurance Corporation of India as Apprentice Development Officer. His services were confirmed on 01.09.1992 and after successful completion of probation period he was appointed as Development Officer. Counsel for the petitioner further submits that father of the petitioner died on 20.07.2012 while mother had predeceased



the petitioner's father on 17.03.2005 and petitioner is the only issue of his parent. Learned Counsel further submits that representation was filed in the year 2013 through the uncle of the petitioner for appointment on compassionate ground. Counsel further submits that in the light of the Circular of 2018 the petitioner has filed his representation for consideration of his appointment as he became major and completed intermediate in the year 2018. He further submits that the stand taken by the Life Insurance Corporation in the counter affidavit, particularly, in paragraphs 4 and 5 are contrary and petitioner's case ought to be considered for compassionate appointment.

5. Learned Counsel for the Life Insurance Corporation submits that petitioner's case is not fit for appointment on compassionate ground as admittedly the death of the petitioner's father took place in the year 2012 and as per law, 1993 Rule shall be applicable on the petitioner under which he was not eligible. He further submits that considering the petitioner to be child, the respondent-Life Insurance Corporation has paid all retiral benefits. Counsel submits that the chart of payment which has been made to the petitioner has been explained in paragraph-8 and the total amount paid is at the tune of rupees forty-nine lakhs and odd. Counsel further submits that



the Circular of 2018 has come, which is applicable since 2018 and the said Circular is not applicable upon the petitioner as the Circular has to be implemented from prospective date as no special instruction has been made in the said Circular about its applicability from the retrospective date.

6. Counsel further submits that the provision for question of compassionate appointment has been made by virtue of social welfare legislation and with a view to deal the poor condition of the person in employment died all of a sudden so that he may not in distress of money. He submits that in the present case, this is not the situation entire benefits for which the petitioner is entitled which is at the tune of more than rupees forty-nine lakhs has been paid.

7. In the light of the submission made and, particularly, that father of the petitioner died in the year 2012 when 1993 Circular was applicable and due to his childhood all payments has been paid by the Life Insurance Corporation which has been mentioned in chart at paragraph-8 of the counter affidavit, which is extracted hereunder:-

Serial No.	Scheme	Amount	Date
A	GSLI (Group Saving Link Scheme)	4,70,328/-	11.09.2019
B	GI (Group Insurance)	8,00,000/-	11.09.2019



C	GTIS (Group Term Insurance Scheme)	7,00,000/-	11.09.2019
D	PF (Provident Fund)	5,28,910/-	03.08.2019
E	Gratuity	10,69,288/-	15.01.2019
F	Child Pension Arrears 21.07.12 to 31.0319	13,70,811/-	08.05.2019
G	Pension (April, 2019 to June, 2019)	20,206/-	Per month
H	Pension July, 2019 onwards	10,531/-	Per month

8. It transpires that Rs.49,00,000/- and odd has been paid to him including pension amount which shall be payable to the petitioner up to the age of 25 years. This Court is of the firm view that it is not the case of financial hardship and, particularly, when the rule does not permit, this Court is not inclined to grant any relief to the petitioner. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2024
Transmission Date	NA

