

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5077 of 2019

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Anupam Kumari Widow Late Varun Kumar Resident of Village-
Magardahi, Kharidabad, Ward No.4, P.O. Samastipur, Dist.-Samastipur (Bihar)

... .. Petitioner/s

Versus

1. The Dakshin Bihar Gramin Bank through its Chairman, having head office at Sri Vishnu Commercial Complex, NH-30, Ashochak, Patna-800016
2. The Erstwhile Bihar Gramin Bank (now Dakshin Bihar Gramin Bank) through its then Chairman, Administrative Office at North- H.F.C. Gate, N.H.31, P.O. B.U. Nagar Begusarai- 851115, (now merged in Dakshin Bihar Gramin Bank, w.e.f.1.1.2019)
3. The General Manager, Erstwhile Bihar Gramin Bank, (now Dakshin Bihar Gramin Bank), Administrative Office at North- H.F.C. Gate, N.H.31, P.O. B.U. Nagar Begusarai- 851115, (now merged in Dakshin Bihar Gramin Bank, w.e.f. 1.1.2019)
4. The Regional Manager, Erstwhile Bihar Gramin Bank, (now Dakshin Bihar Gramin Bank) Regional Office, Samastipur, Dist. Samastipur, Bihar
5. The Branch Manager, Erstwhile Bihar Gramin Bank, (now Dakshin Bihar Gramin Bank) Chandchaur Branch, Dist.- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.
For the Respondent/s : Mr. Mahesh Narayan Parbat, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
counsel for the Bihar Gramin Bank.

2. The present writ application has been filed for setting aside the order dated 26.09.2018 contained in Annexure-14 by which the application of petitioner for compassionate appointment/ex-gratia payment was rejected by a non-speaking order without assigning any reason.

3. Learned counsel for the petitioner submits that after receiving a copy of the writ petition, counter-affidavit has been

filed by respondent nos. 1 to 5. In paragraph 15 of the counter-affidavit, the stand has been taken by the respondent which are as follows:

“That but as per NABARD’s Circular No. 177/IDD-14/2008 dated 29th September, 2008, revised model for appointment on compassionate grounds in exceptional circumstances was made applicable in the Regional Rural Banks with effect from 1st September, 2008. The scheme of compassionate appointment is applicable under certain circumstances which are as follows:-

(c) Employee dies while performing his official duty as a result of violence, terrorism, robbery or dacoity; or

(d) Employee dies within 5 years if his first appointment or before reaching 30 years, whichever is later, leaving a dependent spouse and/or minor children.”

4. Learned counsel for the petitioner further submits that in the light of the pleadings made by the respondent, by which it is clear that when employee dies while performing his official duty as a result of violence, terrorism, robbery or dacoity or employee dies within 5 years, if his first appointment or before reaching 30 years, whichever is later, leaving a dependent spouse and/or minor children, benefit may be granted.

5. Learned counsel for the petitioner specifically submits that the employee joins service in the year 2012, died in the year 2016, as such he dies within 5 years. On the date of death, his age was 26 years *i.e.* he died before reaching 30 years. He also submits that on the date of death, the deceased employee has a minor girl child, as such according to the own pleadings made by the respondent Bank, the petitioner is entitled for the relief.

6. In the light of the pleadings made by the respondent Bank, this Court has no option but to set aside the order dated 26.09.2018 (Annexure-14), as this order has been passed without assigning any reason and this order is not a speaking order, therefore, the respondent Bank is directed to pass order afresh in the light of his own pleadings within 60 days from the date of production of this order by way of representation within four weeks from today.

7. With this direction, the present writ application stands disposed of.

(Dr. Anshuman, J.)

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