IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9930 of 2024

Arun Kumar S/O - Late Ashok Kumar Singh R/O Vill Kharidabad, Ward No. 4, P.S (Muffasil), Dist.-Samastipur.

... ... Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Department of Finance, New Delhi
2. The Managing Director, Union Bank of India, Union Bank Bhavan, 239, Vidhan Bhavan Marg, C.O-Mumbai- 400021
3. The General Manager, Human Resources Department, Union Bank Bhavan, 239, Vidhan Bhavan Marg, C.O-Mumbai-400021
4. The General Manager, Man Power Planning and Recruitment Division, Union Bank Bhavan, 239, Vidhan Bhavan Marg, C.O- Mumbai-400021
5. The Assistant General Manager, Human Resources Department, Union Bank Bhavan, 239, Vidhan Bhavan Marg, C.O-Mumbai- 400021
6. The Regional Manager, Regional Head Office, Union Bank Of India, Mohanpur Road, Near B.R.B college, P.S- Samastipur(M), Dist.- Samastipur
7. The Branch Manager, Union Bank Of India, Samastipur Main Branch, Gola Road, P.S-Town, Dist.- Samastipur

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pranav Kumar, Advocate
		Mr. Rajeev Ranjan No.II, Advocate
		Smt. Priyanka Kumari, Advocate
		Smt. Kumari Rupa, Advocate
For the Respondent/s	:	Mr. Parul Prasad, CGC
		Mr. Aditya Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 01-07-2024

Heard Mr. Pranav Kumar along with Mr. Rajeev Ranjan No. II, Smt. Priyanka Kumari & Smt. Kumari Rupa, learned counsels appearing on behalf of the petitioner and Mr. Parul Prasad (learned CGC) along with Mr. Aditya Anand, learned counsels for the Union of India.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

> *"That this application is directed for issuance of writ in the nature of certiorari/ Mandamus / any other appropriate writ for quashing the letter no. HR EBD F 2299 – N- 22558-2023 dated 13.10.2023 and letter dated 15.11.2023 issued by the respondent no. 5 and respondent no. 3 respectively whereby and where under the claim of the petitioner for appointment of compassionate ground has been denied on flimsy and untenable grounds."*

3. The wife of the deceased being illiterate lady and the petitioner being adult and was entitled for appointment on compassionate ground had filed an application on 27.04.2022, after the death of his father on 31.10.2021.

4. Learned counsel for the petitioner submits that the application of the petitioner for being considered to be appointed on compassionate ground has been rejected and the same was communicated to the petitioner, vide letter dated 13.10.2023. The said order has been affirmed by the Appellate Authority (The General Manager, Human Resources Department) on a frivolous ground without taking into consideration the ground of hardship faced by the family of the petitioner, soon after the death of the deceased employee, namely, late Ashok Kumar Singh, who had died in harness, while he was posted as the Bill Collector, which being certainly a Class IV or Class III post.

5. Learned counsel submitted that non-consideration of the hardship faced by the family and the terms and conditions of

the Government Circular issued from time to time in respect of Class III or Class IV employee, who had died in harness and assessing the income of the wife of the petitioner to be Rs.20,000/- per month without verifying it from her employer, income tax, EPF deducted by the employer and assessing that the family has not faced the hardship as ground for rejecting the claim is highly derogatory. The assessment made in respect of the income of the petitioner is not based on the valid documents and is only on the basis of imagination of the Assistant General Manage, Human Resource Department.

6. This Court finds that the order dated 13.10.2023 rejecting the application of the petitioner for considering his appointment on compassionate ground cannot be sustained in the eye of law. Accordingly, the order passed by the General Manager, Human Resources is also not sustainable.

7. The Authority concerned is directed to first verify from the sources the place of employment where wife of the deceased employee is employed, the deduction under different heads such as Employees' Provident Fund and information relating to the assessment of the concerned Company under the Income Tax Act in respect of the salary, which was paid to the wife of the deceased from time to time, similarly, the assessment in respect of

the income of the petitioner’s family, which was assessed that it exceeded Rs. 12,000/- at the relevant point of time must have been substantiated by valid reason and supporting evidence.

8. The petitioner, if so advised, may file a representation before the Authority concerned for considering his case. The Authority concerned is directed to make an objective assessment of the financial condition well within a period of six weeks from the date of filing of the application by following the principle of law laid down by the Apex Court in following decisions :

(i) Director of Education & Anr. vs Pushpendra Kumar & Ors. reported in **(1998) 5 SCC 192**

(ii) Umesh Kumar Nagpal vs. State of Haryana reported in **(1994) 4 SCC 138**

(iii) Sanjay Kumar vs. State of Bihar & Ors. reported in (2000) 7 SCC 192

7. With the above observations/directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

chn/saurabh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2024
Transmission Date	NA