

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11909 of 2024

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Anil Kumar Yadav Son of Late Jitendra Yadav, Mother of Sunaina Devi
Resident of Village and Post Office- Mobarakpur (Sidharia Tola), Police
Station- Manjhi, District- Chapra, Saran and presently resident of Mohalla- H.
No.- 2, Shyam Chauk, Hanuman Nagar, Behind SBI, Bhagwan Bazar,
Chapra, Saran.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Finance, Government of India, New Delhi.
2. The State of Bihar, through the Secretary, Ministry of Finance, Government of Bihar, Patna.
3. The General Manager, Central Bank of India, Central Office, Chander Mukhi Nariman Point, Mumbai- 400021.
4. The Regional Manager, Central Bank of India, Regional Office, Balua Tal Motihari.
5. The Branch Manager, Central Bank of India, Branch Office, Mushahri Bazar, Siwan, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Maheshwar Prasad, Advocate
For the UOI	:	Dr. ITI Suman, CGC
For the Respondent Bank:		Mr. Ajit Kumar Sinha, Advocate
		Ms. Dilkash Khan, Advocate
For the State	:	Mr. Abbas Haider, SC- 6

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-08-2024

Heard, learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner submits that
the present writ petition has been filed for setting aside the order
dated 14.06.2024, passed by General Manager- H.C.M.,
(Annexure- P/7) by which the claim of the petitioner for



appointment on compassionate ground was rejected in spite of the fact that vide order 30.11.2023 passed by a coordinate Bench of this Court in CWJC No. 12315 of 2021, it was directed to the petitioner to approach the respondent Bank annexing the Judgment of **Abha Sinha vs. The State Bank of Hyderabad & Ors.** reported in **2019 (2) PLJR 119**, within a period of two weeks from today and is directed to examine the same and then take a decision.

3. Learned counsel for the petitioner submits that the issue of delay and laches on the part of the petitioner in approaching this Court has been kept open. With this direction the writ petition was disposed off. Counsel further submits that after the said decision passed by the Hon'ble Bench the petitioner is free to approach before this authority, but the authority has completely ignored the case of **Abha Sinha** (supra) and again rejected the claim of the petitioner to be appointed in the Bank on compassionate ground. He submits that the reason assigned is not in accordance with the guidelines rather in accordance with the guidelines of the bank which has been issued by the Government of India/IBA. The petitioner is entitled to get the services on compassionate appointment but the authority has not taken into consideration this fact and



rejected the claim of the petitioner.

4. Learned counsel for the Bank submits that after order passed by this Hon'ble Court in CWJC No. 12315 of 2021 though the issue of delay and laches was kept open by the Court. Bank has sympathetically taken decision positively in favour of the petitioner on delay and laches, but on law a reasoned and speaking order has been passed in which the case of **Abha Sinha** (supra) has completely been discussed and it has been discussed that what are the ground due to which **Abha Sinha** (supra) case is not applicable from the present one. He further submits that in the case of **N.C. Santhosh Vs. State of Karnataka** in **Civil Appeal No. 9280-9281 of 2014** as well as in the case of **Central Bank of India Vs. Nitin** passed in **Civil Appeal No. 5111 of 2022** vide order dated 03.08.2022, it was categorically held by Hon'ble Supreme Court of India that what ought to be taken at the time of deciding the matter related to compassionate appointment and taking all those points, the claim of the petitioner has rightly been rejected and there is no case of the petitioner.

4. Upon going through the pleadings and, particularly, the reasoned order, it transpires to this Court that the Committee, at the time of deciding the case of the petitioner



on compassionate appointment, have taken into consideration the guidelines as well as the financial condition of the family and in this regard in the conclusive part of the decision it has been held thus, the Committee has found that, the financial condition of the family is not indigent in the nature as family of the deceased is getting estimate monthly income of Rs.35546/- which is more than 60% of the last drawn salary of Rs. 33645/- of the deceased employee. Hence, as per the provisions contained in the policy for compassionate appointment on compassionate grounds or payment of lump sum ex-gratia on death in harness of an employee applicant is not eligible for appointment on compassionate grounds.

5. In the light of the submissions made by both the parties, this Court is of the firm view that the Bank has taken a reasonable decision and there is no need of interference in this matter. As such, this writ petition is disposed off.

(Dr. Anshuman, J.)

Mkr./Aman/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2024
Transmission Date	NA

