

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4979 of 2012

Manju Devi W/O Late Shyam Prasad, R/O Village- Bhaiani Tola, Malsalami,
Patna City, Police Station- Malsalami, District- Patna (Bihar).

... .. Petitioner

Versus

1. The Chief Managing Director, Punjab National Bank, New Delhi.
2. The General Manager, HRD Division, Punjab National Bank, H.O.- Bhikaji Cama Place, New Delhi.
3. The Assistant General Manager, HRD Division, Punjab National Bank, H.O.- Bhikaji Cama Place, New Delhi.
4. The Senior Regional Manager, Punjab National Bank, HRD Section, Patna Region, Integrated Zonal Office, Patna, Bihar.
5. The Senior Branch Manager, Punjab National Bank, Patna City Branch, Patna, Bihar.

... .. Respondents

Appearance:

For the Petitioner	:	Mr. Munna Pd. Dixit, Advocate
For the PNB	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 22-04-2024 Heard Mr. Munna Prasad Dixit, the learned counsel for

the petitioner and Mr. Rakesh Kumar Singh, the learned counsel
appearing on behalf of the respondent Punjab National Bank.

2. The present writ petition has been filed for the
following reliefs:

*(i) For issuance of writ / writs, order / orders
and direction / directions in the nature of Mandamus
commanding the Respondents to grant / pay the Ex-
Gratia amount (lump-sum) in lieu of compassionate
appointment as per their own policy dated
07.01.2005 as contained in Annexure-2 in favour of
the petitioner hence forth with statutory interest in*



the same manner as has been done by them in case of one co-employee namely late Uttam Kumar Singh, Peon whose family has been paid amounting to Rs. 6,00,000/- (Rupees six lakhs) vide letter dated 03.01.2007 (Annexure-4).

(ii) Any other relief / reliefs, order / orders and direction / directions may be issued in favour of the petitioner in accordance with law for which she is entitled too.

(iii) That this Hon'ble Court may pleased to quash and set aside the order dated 17.03.2008 as contained in Annexure- P/1 with the instant interlocutory petition.

3. Learned counsel for the petitioner submits that husband of the petitioner was appointed in the respondent bank in the year 1997 and after completing more than twenty-seven years of service, he died in harness on 28.01.2005.

4. Learned counsel for the petitioner submits that after the death of the petitioner's husband, the petitioner submitted a representation for compassionate appointment of her son, disclosing all the facts in the said representation. The respondent bank informed that the scheme of the compassionate appointment from the bank has been abolished and in lieu thereof the payment of Ex-Gratia (lump-sum) has been introduced with effect from 29.10.2004, vide letter dated 07.01.2005. Accordingly, the petitioner submitted her application on 20.04.2005 for Ex-Gratia



payment in prescribed format.

5. Learned counsel for the bank has submitted that the petitioner's husband died on 28.01.2005 and the application form sanction of Ex-Gratia was made on 20.04.2005, which was duly considered under the modified scheme as circulated vide HRDD Circular No. 433 dated 03.11.2007 and bare perusal of the para no. 11 and 13 of the Ex-Gratia (lump-sum) amount scheme as mentioned in schedule no. 1 of the said circular states as under:

“11. While dealing with proposals of grant of Ex-Gratia, in cases where disciplinary action had been taken / was pending against the employee, dying in harness or where the deceased employee was involved in financial irregularities, embezzlement of funds, committing of fraud etc., bank will continue to aide by the guidelines issued by the Government of India requiring consideration and decision in each case by the Board of the bank.

13. Assistance under the scheme of Ex-Gratia is not an entitlement but may be granted in deserving and eligible cases only at the sole discretion of the bank, keeping in view of the financial condition of the family.”

6. Learned counsel for the bank submits that during the service, the husband of the petitioner had been served with chargesheet dated 18.02.2002, under gross misconduct, the details being as under:

- *While working as C/C at BO:Patna City Shri*



Shyam Prasad alured Shri Anil Kumar Gupta, his neighbour to take a loan of Rs. 1,00,000/- (Rupees one lakh) from the bank and offered himself as guarantor in the said loan account. It was in the knowledge of Shri Shyam Prasad that the Co-guarantor of the above loan Shri Raghbir Prasad Gupta, father of Shri Anil Kumar Gupta, had expired on 05.02.1997. However, Shri Prasad did not disclose the fact to the bank and allowed the loan to be sanctioned on 14.02.1997, which put the bank into loss.

- On 30.12.1996, a CA 3895 was opened on the initiative of Late Shri Prasad, in the name of Shri Anil Kumar Gupta, who was his friend and neighbour. At a later date, Shri Prasad obtained some blank cheques from Shri Gupta, utilized them for ulterior motives, thus putting bank's interest into jeopardy."*

6.1. The disciplinary authority found him guilty of the first charge levelled against him and vide order dated 08.11.2004, imposed upon him punishment of *"to be brought down of the lower stage in the scale of pay upto maximum of two stages with cumulative effect."*

7. In view of the para no. 11 of the schedule 1 of the HRDD Circular No. 433, the application of the petitioner was placed before the Board and Board had declined / rejected the



proposal of Ex-Gratia (lump-sum) amount to the petitioner and with respect to the case of one Late Uttam Kumar Singh, learned counsel for the bank submits that the case of Uttam Kumar Singh is different from the petitioner's husband's case as the past record of the Late Uttam Kumar Singh is quite good and he was also not involved in financial implications.

8. Also, in view of the Circular No. 433, the bank has given the lump-sum amount to the family members of the Late Uttam Kumar Singh and in view of the HRDD Circular No. 433 dated 03.11.2007, particularly para no. 11 and 13 of the aforesaid scheme, the petitioner is not entitled for any Ex-Gratia payment.

8. Accordingly, the present writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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