28.02.2024
Ct. No.38
DL.5
(PP)

WPA 11253 of 2023

Hira Mallick
-Vs.-
Paschim Banga Gramin Bank & Ors.

Mr. Amar Nath Sen,
Mr. Shouvik Naskar
....for the petitioners.

Mr. Baidurya Ghosal,
Ms. Aatreyee Dutta,
Mr. Saikat Mukherjee,
Mr. Sourav Mukherjee
....for the respondent-bank.

This is an application seeking ex gratia payment in lieu of appointment on compassionate grounds.

Briefly, the husband of the petitioner was an employee of the erstwhile Bardhaman Gramin Bank, Berugram Branch, subsequently amalgamated with the Paschim Banga Gramin Bank, being the respondent no.1 herein.

Pursuant to the aforesaid amalgamation, the husband of the petitioner became an employee of the respondent no.1 bank and his services were governed by the Paschim Banga Gramin Bank (Officers and Employees) Service Regulation, 2010.

On 27th January, 2013 the husband of the petitioner expired. Thereafter, after processing necessary papers for pension, the petitioner was disbursed the entire pension amount. Significantly, neither the petitioner nor any of the dependants of the deceased employee had applied for ex gratia payment in view of the extant provisions governing payment of ex gratia. Sometime in 2016, an application for ex gratia payment was made after lapse of 3 years of the death of the petitioner's husband.

By a letter dated 3rd December, 2022, the respondent authorities have rejected the claim of the petitioner on the ground that the petitioner is not eligible for any ex gratia payment.

On behalf of the petitioner, it is contended that out of the total amount of Rs.14,00,531/- received by the petitioner on account of terminal benefits, the petitioner had to repay a loan of Rs.5,13,417/- and make further payments on account of medical expenses and other incidental debts.

On behalf of the respondent authorities, it is submitted that the order of rejection dated 3rd December, 2022 is reasoned and there are no grounds whatsoever to interfere with the same.

It appears that under extant provisions applicable towards ex gratia payment the petitioner is not entitled to any amount whatsoever. In fact, the petitioner had only made an application for ex gratia payment after a period 3 years from the death of the petitioner's husband. The prevalent scheme for ex gratia payment was to tide over immediate financial crisis and does not extend to an application made after period of 3 years from the death of any employee. On the contrary, an application for ex gratia payment must be made within 6 months from the date of expiry.

In any event, the impugned communication dated 3rd December, 2022 rejecting the payment of ex gratia is elaborately reasoned. There are no grounds whatsoever to interfere with the same. The respondent authorities have found inconsistencies based on the information furnished by the petitioner. The income of the petitioner is found to be above the benchmark of 60% as per the extant guidelines of the respondent bank. Moreover, the petitioner does not fall within the definition of an "indigent" and is consequently ineligible for ex gratia payment.

For the above reasons, there is no merit in this writ petition.

WPA 11253 of 2023 stands dismissed.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)