

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

CWP-19012-2017

Date of Decision : 16.01.2024

SOURABH KUMAR

..... PETITIONER

V/S

PUNJAB NATIONAL BANK AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Bansal, Advocate
for the petitioner.

Ms. Preeti Grover, Advocate for
Ms. Saurav Verma, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.12.2016 (Annexure P-7) whereby his claim for compassionate appointment has been rejected.

2. Father of the petitioner was working with respondent-bank as Deputy Manager and he passed away on 13.09.2015 in harness. The petitioner on 20.04.2016 applied for appointment on compassionate ground. The application of the petitioner was recommended by local bank authorities and matter was put up before Competent Authority which vide impugned order dated 05.12.2016 has declined claim of the petitioner. The

operative portion of the impugned order reads as :

“The proposal was considered by the Competent Authority wherein it was observed that the condition of the family is not indigent. The family of the deceased employee comprises of wife, 02 sons and 01 daughter. Terminal dues to the extent of Rs.21.98 lacs have been settled. They are in receipt of family pension of Rs.21203/-. The family has own house to live. The family has own house to live. The remaining service of the employee was 09 months only.”

3. Mr. Sandeep Bansal, Advocate submits that it is factually incorrect that petitioner had received terminal dues to the extent of 21.98 lakhs. The petitioner had actually received Rs. 14 lakhs. The petitioner had applied for compassionate appointment in terms of para 8 read with para 15 of Compassionate Appointment Policy dated 25.09.2014 of the respondent-bank. As per para 15 (c) of the Compassionate Appointment Policy, in case of rejection of claim by Competent Authority, matter is put up before the Board whereas in the case in hand, the matter was never put up before the Board.

4. Counsel for respondents submits that petitioner was not found indigent, thus, Competent Authority rejected claim of the petitioner.

5. On being confronted with Clause (c) of para 15 of Compassionate Appointment Policy, she conceded that matter was required to be put up before Board for its decision.

6. The claim of the petitioner is centered around Clause (c) of para 15 of Compassionate Appointment Policy which is reproduced as below:-

“An application for appointment on compassionate ground shall be considered by the Committee of officers

consisting of three officers as under:

- General Manager-PAD/HRD - Chairman of the Committee*
- Deputy General Manager-PAD/HRD - Member*
- Assistant General Manager - PAD/HRD - Member*

The Committee shall meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the committee, if necessary, for better appreciation of facts of the case. The recommendation of the committee shall be placed before the Competent Authority for a decision. If the Competent Authority disagrees with the committee's recommendation, such cases may be reterred to the Board for decision.”

7. It is conceded fact that case of the petitioner was recommended by local office to Competent Authority, however, Competent Authority rejected claim of the petitioner. The decision of the Competent Authority was not referred to Board for its decision. The Competent Authority was duty bound to refer the matter to Board and it was duty of the Board to consider claim of the petitioner. There is certainly lapse on the part of respondents. The mistake is a curable mistake, thus, respondents are directed to put up the matter before Board, which would consider correct facts and figures of the petitioner and take an appropriate decision within 6 months from today.

8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.01.2024
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>