

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1336 of 2023

Date of Decision: 25.01.2024

Bank of Baroda (Erstwhile Vijaya Bank) and anotherAppellants
versus
Laxmi Devi and anotherRespondents

CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. B.B.Bagga, Advocate and
Mr. Vivek Varun, Advocate, for the appellants.

Mr. Satyaveer Singh, Advocate, for the respondents.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)**CM No. 3414 of 2023**

For the reasons mentioned in the application, delay of 30 days in filing the appeal is condoned. Application stands disposed of.

Main appeal

1. The appellant bank has come up in appeal against the judgment dated 07.07.2023 passed by the learned Single Judge whereby the writ petition filed by the respondents has been allowed with a direction to the appellant bank to make payment of ex-gratia amount alongwith interest @ 6% per annum from the date of filing of the writ petition to the respondents which was filed in the year 2017.

2. Learned counsel appearing for the appellant bank has argued that the first application seeking appointment on compassionate ground was made by the respondents to the appellant bank on 20.12.2008 and as per policy Annexure P-1 the said application was not maintainable as the respondents (petitioners therein) did not fulfill one of the two conditions mentioned at page 46 of the paper book. However, the petitioners-respondents were entitled to ex-gratia financial assistance alongwith benefits as per Clause 1.14 of the policy (Annexure P-1) mentioned at page 47 of the paper book.

3. Another application for payment of ex-gratia amount was given by the respondents to the appellant bank on 16.09.2011 and this application was rejected by the bank on the ground that it was supposed to be given by

respondent No.1 within a period of six months after the death of her husband on 22.09.2008.

4. Learned Single Judge examined this issue and observed that initial application seeking compassionate appointment was given by the respondents within the prescribed time. The subsequent application was only for alternate relief and that application would relate back to the original application and in this backdrop the writ petition was allowed by the learned Single Judge.

5. Another point to be taken into consideration is that there was no bar with the bank to give benefit of financial assistance to the respondents when the first application seeking compassionate appointment was made on 20.12.2008. It was the duty of the bank to give financial assistance to the respondents when the family was in maximum bereave on account of the death which took place on 22.09.2008. Instead of giving the benefit of financial assistance at that time, they rejected the second application of the respondents made on 16.09.2011 in the year 2011 itself and now the plea taken is that they approached the Court by filing a writ petition in the year 2017 after a gap of six years.

6. A perusal of the judgment passed by the learned Single Judge shows that the interest amount has been awarded to the respondents from the date of filing of the writ petition and for the remaining six years no interest has been awarded. The interest of the bank has been duly taken care of by the learned Single Judge. Instead of filing the present appeal, the bank should have given the financial assistance to the respondents which they have not done so far. Accordingly, the appeal is dismissed with costs of Rs. 20000/- to be paid to the respondents and thereafter inform this Court.

Pending applications, if any, stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

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I attest to the accuracy and
integrity of this document

Whether speaking reasoned	√Yes/No
Whether reportable	Yes/No√