

CWP-27739-2019 & connected cases

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-27739-2019
Date of Decision: 05.01.2024

Om Parkash

...Petitioner

Versus

Union Bank of India and another

...Respondents

With

210/2

CWP-30529-2019

B.K. Bhaskar

...Petitioner

Versus

Punjab National Bank and others

...Respondents

And

210/3

CWP-31283-2019

Sumesh Kumar Bahal

...Petitioner

Versus

State Bank of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arav Gupta, Advocate for the petitioner
 (in all the petitions)

 Mr. K.K. Gupta, Advocate for the respondents
 (in CWP-27739-2019)

 Mr. Saurav Verma, Advocate and
 Ms. Preeti Grover, Advocate for the respondents
 (in CWP-30529-2019)

Mr. Kewal Krishan, Advocate for
Mr. Kapil Kakkar, Advocate for the respondents
(in CWP-31283-2019)

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, with the consent of contesting parties, all the captioned petitions are disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.27739 of 2019*.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 01.04.2019 (Annexure P-4) whereby respondent has declined claim of the petitioner for compassionate allowance.

3. The petitioner, despite the fact that he has been dismissed from service, in terms of policy framed by the respondent applied for compassionate allowance. Regulation 31 of Union bank of India (Employees) Pension Regulations, 1995 empowers competent authority to grant compassionate allowance to a dismissed employee. The respondent-bank vide impugned communication dated 01.04.2019 (Annexure P-4) informed the petitioner that competent authority has rejected claim of the petitioner.

4. Learned counsel for the petitioner submits that in view of order dated 15.07.2016 (Annexure P-6) passed by this Court in ***CWP No.15586 of 2014, Parmanand v. Syndicate Bank and another*** read with instructions dated 08.01.2002 (Annexure P-7) issued by Indian Banks' Association, the respondent was bound to grant opportunity of hearing to the petitioner and

hereafter pass a reasoned order before rejecting claim of the petitioner.

5. *Per contra*, Mr. K.K. Gupta, learned counsel for the respondents (in CWP No.27739 of 2019) submits that competent authority considered case of the petitioner and recorded noting in the file. The outcome of the discussion was informed to the petitioner vide impugned communication.

Mr. Saurav Verma, learned counsel for the respondents (in CWP No.30529 of 2019) submits that the petitioner has approached this Court after four years from the date of impugned communication.

Mr. Kewal Krishan, learned counsel for the respondents (in CWP-31283-2019) submits that the respondent till date has not decided claim of the petitioner.

6. On being asked whether petitioners were granted opportunity of hearing and reasons of rejection were communicated to them, Mr. K.K. Gupta & Mr. Saurav Verma, conceded that neither opportunity of hearing was granted to the petitioners nor reasons forming basis of rejection were communicated to them. Mr. Gupta further submitted that reasons are reproduced in the reply.

They conceded that competent authority in view of order dated 15.07.2016 (Annexure P-6) passed by this Court would pass fresh order after granting opportunity of hearing to the petitioners.

7. Mr. Kewal Krishan, learned counsel for the respondents (in CWP No.31283 of 2019) submitted that competent authority would pass a speaking order within three months from today after granting opportunity of hearing.

8. In CWP No.30529 of 2019, the record discloses that impugned communication was made in 2015 and from 2015 to 2019, the petitioner kept

on asking the respondent to supply reasoning recorded by the competent authority. The respondent opted to remain silent and petitioner, left with no other option, approached this Court. In view of nature of claim made by petitioner and his communications, the objection of delay and laches raised by respondent is rejected.

9. In the wake of statement of both sides, the petitions stand disposed of with a direction to the respondents to pass speaking order, after granting opportunity of hearing to the petitioners, within three months from today.

(JAGMOHAN BANSAL)
JUDGE

05.01.2024
Mohit Kumar

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