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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 20.03.2024

+ **W.P.(C) 15852/2023****BANDANA KUMARI & ANR.**

..... Petitioner

versus

UNION BANK OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Rajiv Ranjan and Mr. Awnish Kumar, Advocates

For the Respondent : Mr. O.P. Gaggar, Advocate

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 63797/2023**

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

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3. This is a writ petition under Article 226 of the Constitution of India, 1950, *inter alia*, seeking following prayers:-



*“a) to Respondent No. 1/Bank to immediately release to the Petitioners their shares of terminal benefits (excluding family pension) i.e. Gratuity, PF, PL encashment and other monetary benefits, if any which accrued to them on the death of husband of Petitioner No. 1 due to Covid- 19, while in service of Respondent No. 1/Bank having PF no.468822;
b) to Respondent No. 1/Bank to immediately release to the Petitioners ex-gratia amount of Rs.20.00 lacs accrued to them on the death of husband of Petitioner No. 1 due to Covid- 19, while in service of Respondent No. 1/bank having PF no.468822;
c) to Respondent No. 1/Bank to consider compassionate appointment of Petitioner no. 1 in bank without seeking a No Objection from respondent No.2 ;
d) to set aside the letter dated 28/09/2022 bearing No. RO:DEL(S):HRM:2022 of Respondent No. 1/Bank and also the letter dated 22/09/2022, no. HR:EBD:RET:13360:2022, (not received by petitioners), of Respondent No.1/Bank pursuant to which letter dated 28/09/2022 was issued.”*

4. Petitioner no.1 is the wife and petitioner no.2 is the minor daughter of late Shri Vijay Anand who was an employee of respondent no.1/Union Bank of India and had unfortunately expired due to COVID-19 on 15.05.2021 at Guru Tegh Bahadur Hospital while in harness with the respondent no.1/Bank.

5. The case of the petitioners is that late Shri Vijay Anand died leaving behind petitioner no.1 i.e., wife, petitioner no.2 i.e., daughter, respondent no.2 i.e., his mother and father Shri Ram Chander Shah as surviving legal representatives. The case of the petitioners is that post the death of her husband, they are entitled to all consequential benefits which would accrue to them in view of the services rendered by the late husband with respondent no.1/bank.

6. Learned counsel for the petitioner no.1 submits that barring the family pension being disbursed to petitioner no.1 by respondent no.1/bank, no other benefits are being granted to her including the



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payment of *ex-gratia* amount of Rs.20 lacs due to unfortunate death of late husband on account of COVID-19.

7. Mr. Rajiv Ranjan, learned counsel appearing for the petitioners submits that the petitioners were entitled to grant of all benefits accruing to them in view of services rendered by late Vijay Anand to respondent no.1/bank. He submits that the bank had refused the remaining benefits on account of the fact that the mother of late husband, i.e., respondent no.2 would also be a dependent of the late husband and is entitled to benefits accruing from the services rendered by late Shri Vijay Anand as per the law of succession.

8. *Per contra*, learned counsel appearing for the respondent no.1/bank submits that the late husband of the petitioner no.1 had not named any person as his nominee. He further submits that the respondent no.1/bank had refused to release the benefits for the reason that since there was no nominee named by the deceased employee in which case the dependants of such employee become jointly entitled to such benefits. He submits that it would be advisable to the petitioners to file a combined/composite application along with respondent no.2/ mother seeking distribution and disbursement of the terminal benefits accruable on account of the services rendered by the late husband and also the payment of *ex-gratia* amount of Rs.20 lacs.

9. Learned counsel for the petitioners submits, on instructions, that the petitioners have no objection in case 1/3rd of the benefits which should have been accrued on account of the services rendered by the late husband of petitioner no.1 is disbursed to the respondent no.2, the



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mother of late Shri Vijay Anand.

10. In view of the aforesaid submissions, there does not seem to be any reason or objection remaining with the respondent no.1/bank to not disburse the terminal benefits to the petitioners as well as respondent no.2.

11. In view of the above, it is directed that all the benefits which are accruable on account of services rendered by late husband Shri Vijay Anand as also the *ex-gratia* amount of Rs.20 lacs be distributed and disbursed, 1/3rd amount each in favour of petitioner no.1, petitioner no.2 and respondent no.2.

12. The aforesaid directions will not affect the family pension that is being disbursed to petitioner no.1 alone. In that view of the matter, learned counsel also submits that he is under instructions to withdraw the prayer made seeking compassionate appointment.

13. The disbursal shall be processed in accordance with the aforesaid directions within a period of six weeks by respondent no.1/bank. All formalities required shall be completed by the petitioners, as and when required. The information regarding this be also transmitted to respondent no.2, mother of late Shri Vijay Anand by the respondent no.1/bank itself.

14. In view of the above, the petition is disposed of with aforesaid directions without any order as to costs.

TUSHAR RAO GEDELA, J.

MARCH 20, 2024/ns