

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4535 of 2022

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Ajay Kumar Son of Late Jai Chandra Singh, Resident of Mohalla - Atardah,
Pokhariapir, P.S. Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Chairman, Bank of India, Star House C-5 “G” Block, Bandra, Kurla Complex, Bandra East, Mumbai - 400051.
2. The Zonal Manager, Bank of India, Zonal Office Muzaffarpur Yamuna Market, Mithanpura, Muzaffarpur.
3. The Regional Manager, Bank of India, Muzaffarpur, Region, Muzaffarpur.
4. The Senior Branch Manager, Bank of India, Muzaffarpur Branch.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the Respondent/s	:	Ms. Mayuri, Advocate
		Mr. Ajit Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
C.A.V. JUDGMENT

Date : 12-11-2025

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for a direction to the respondents to appoint the petitioner on compassionate ground on account of the death of his father, who died in harness on 31.1.2020, while working as a Clerk in the Muzaffarpur branch of the Bank of India.

3. The relevant facts in brief are that the father of the petitioner while working as a Clerk in the Muzaffarpur branch



of the Bank of India died in harness on 31.1.2020. He was a permanent employee.

4. On the death of his father, the petitioner filed an application in the prescribed form on 24.8.2020 for his appointment on compassionate ground. The same was recommended by the competent authority i.e. the Senior Branch Manager, Muzaffarpur, however the respondent-Bank not acting on the said recommendation and not appointing the petitioner, the petitioner moved this Court by filing the instant application.

5. A counter affidavit has been filed on behalf of the respondent-Bank. Learned counsel for the respondent referring to the contents of the counter affidavit submitted that the father of the petitioner had applied for voluntary retirement under the scheme on 1.5.2019. The VRS application was accepted by the Head Office and communicated to the Zonal Office, however on a communication having been received with respect to discrepancy in the date of birth of the petitioner's father as per the records of the high school, the application for VRS filed by him was withheld. An inquiry was made from the Bihar School Examination Board and the father of the petitioner was asked to furnish his reply. Unfortunately, the father of the petitioner passed away on 31.1.2020 during pendency of the inquiry.



6. It is submitted by learned counsel appearing for the respondents that the application for compassionate appointment of the petitioner could not be recommended to the zonal level on account of the investigation into the complaints for which clarification was awaited from the Bihar School Examination Board. Learned counsel further submits that so far as compassionate appointment is concerned, the Hon'ble Supreme Court in the case on Tinku vs. State of Haryana & Ors. (Civil Appeal no.8540 of 2024) has held that compassionate appointment is not a vested right of appointment to be given to the dependent without any scrutiny. The same is to be given to the claimant only on his fulfilling the requirements as laid down in the relevant policy, instructions or rules. As such, learned counsel submits that in case this Court comes to the conclusion that the petitioner is entitled for the relief as prayed for, the matter be sent back to the Bank to decide the application in accordance with the applicable provisions. Reference is made by learned counsel to Clause 3.3(b) of Branch Circular No. 108/132 dated 29.9.2014 of the Bank of India Scheme for Compassionate Appointment.

7. Heard learned counsel for the petitioner and learned counsel for the respondent-Bank. Perused the material on



record.

8. The relevant facts in brief are that the father of the petitioner who was working as a permanent employee in the capacity of a Clerk in the Muzaffarpur Branch of the Bank of India died in harness on 31.1.2020. The petitioner filed his application on 24.8.2020 for his appointment on compassionate ground. Not having received any response thereto, the instant application was preferred.

9. From the records of the case and the submissions made by learned counsel for the Bank it transpires that there was some complaint with respect to discrepancy in the date of birth of the petitioner's father which was recorded with the Bank as 19.9.1964 whereas, according to the counter affidavit, as per the records submitted by the Investigating Officer, the date of birth was found to be 19.9.1952 as per records of the relevant high school.

10. It is not in dispute that while this enquiry was still going on, the father of the petitioner died on 31.1.2020. No departmental proceeding was initiated against the father of the petitioner during his lifetime.

11. It is not the case of the respondent-Bank that the father of the petitioner was not qualified to hold the post on



which he was working at the time of his death or that he had obtained his appointment on the basis of forged and fabricated documents. Even accepting the case of the respondents, the discrepancy in which an enquiry had been started related only to the date of birth of the petitioner's father.

12. In view of the facts and circumstances stated herein above, it being settled law that any disciplinary proceedings pending against an employee abates automatically on his death, so far as the instant case is concerned, the disciplinary proceeding had not even commenced.

13. In view of the facts and circumstances stated herein above, the Court is of the opinion that the prayer made in the instant application merits consideration by the respondent-Bank.

14. The respondent-bank is directed to decide the application for compassionate appointment of the petitioner in view of the observations made herein above within a period of six weeks from the date of receipt/production of a copy of this order.

15. In case the application of the petitioner does not find favour with the respondents, a reasoned order with respect to the same shall be passed by the respondents and



communicated to the petitioner within the aforesaid period.

16. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	30.10.2025
Uploading Date	12.11.2025
Transmission Date	N/A

