

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5474 of 2020**

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1. Chandrawati Devi, W/o Late Raj Kumar Ram, Resident of Village- Dhebar, P.O.- Chakwalia, P.S.- Daraundha, District- Siwan.
  2. Dhananjay Kumar Ram, S/o Late Raj Kumar Ram, Resident of Village- Dhebar, P.O.- Chakwalia, P.S.- Daraundha, District- Siwan.

... .. Petitioner/s

Versus

1. The Managing Director, Canara Bank HRM Section, Circle Office, Luv-Kush Towers-IVth Floor, Exhibition Road, Patna.
2. The Deputy General Manager, Circle Office, Canara Bank, Luv-Kush Towers, Exhibition Road, Patna.
3. The Manager, HRM Section, Circle Office, Canara Bank, Exhibition Road, Patna.
4. The Branch Manager, Guthani Branch, Canara Bank, Siwan.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Amaresh Kumar Sinha, Advocate<br>Mr. Ram Pravesh Nath Tiwari, Advocate |
| For the Respondent/s | : | Mr. Onkar Kumar, Advocate                                                  |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

7      23-06-2025                      Heard Mr. Amaresh Kumar Sinha, learned Advocate for the petitioner and Mr. Onkar Kumar, learned Advocate for the Canara Bank.

2. The petitioners are aggrieved with the order dated 23.10.2017 passed by the respondent Managing Director, Canara Bank whereby the claim of the petitioner no. 2 for his compassionate appointment came to be rejected. The short facts which led to the filing of the present writ petition are that the husband of the petitioner no. 1 died in harness while working as a peon in respondent bank on 05.09.2014. On account of



unfortunate and untimely death of the husband of the petitioner no. 1, an application has been filed for compassionate appointment in favour of petitioner no. 2, who is none else but the son of the petitioner no. 1.

3. It is the contention of the petitioners that a request for appointment on compassionate ground has not been considered by the respondent bank in its true perspective and erroneously considered the financial condition of the petitioner's family and rejected the same. It is further contended that on being aggrieved, the petitioners again requested the respondent bank vide representation dated 18.01.2018 and 08.10.2018 to reconsider its decision taking financial distress into consideration on account of several obligations including expenses occurred on marriage of her daughter and the financial incapability of her elder son, but to no avail, then the petitioners approached this Court.

4. Learned Advocate for the bank at the outset submits that the very object of compassionate appointment is to give immediate succor to the bereaved family, however, it is the admitted fact that the husband of the petitioner no. 1 died long back in the year 2014 and a substantial period has been lapsed. Moreover, after the unfortunate demise of the husband of the



petitioner no. 1, the admissible terminal benefits were accorded to him, the details of which have been duly mentioned in paragraph no. 8 and 9.

5. Taking this Court through the averments made in the counter affidavit, it is further contended that as per Clause 6.1 of the “Scheme for Compassionate Appointment or Payment of Lumpsum Ex-Gratia Amount in Lieu of Compassionate Appointment” it clearly provides that the mandatory condition is that “the family is indigent and deserves immediate assistance for relief from financial destitution”, and further as per Clause 6.2 the applicants should be eligible and suitable for the post in all respects.

6. It is further submitted that following the principles enumerated in the various decisions rendered by the Apex Court including the decision in case of *Umesh Kumar Nagpal vs. The State of Haryana & Ors., (1994) 4 SCC 138* the Supreme Court observed that the Government or the Public Authority concerned has to examine the financial condition of the family of the deceased and only if it is satisfied, that the family is in penury and deserves immediate assistance, compassionate appointment be granted. The case of the petitioner was duly considered in the light of the settled



proposition and on being found the petitioner is not in penury, the claim for compassionate appointment came to be rejected.

7. Considering the submissions advanced on behalf of respondent authorities, this Court takes note of the settled proposition that appointment on compassionate ground is not a source of recruitment, but merely an exception to the requirement of making appointment on open invitation of application of merits.

8. The basic intention is that on the death of the employee concerned, his family is not deprived of the means of livelihood. The very object is to enable the family to get over sudden financial crisis. The materials available on record clearly suggest that after death of the deceased employee, the petitioners have been extended sufficient financial benefits.

9. *“Indigence of the dependents of the deceased employee is the first precondition to bring the case under the scheme of compassionate appointment. If the element of indigence and the need to provide immediate assistance for relief from financial destitution is taken away from compassionate appointment, it would turn out to be a reservation in favour of the dependents of the employee who died while in service which would directly be in conflict with the*



*ideal of equality guaranteed under Articles 14 and 16 of the Constitution” vide **Union of India vs. B. Kishore, (2011) 13 SCC 131.***

10. In view of the afore-noted settled legal position and the facts discussed hereinabove, this Court does not find any merit in the writ petition.

11. Accordingly the writ petition stands dismissed.

**(Harish Kumar, J)**

supratim/-

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