

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6308 of 2022

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Alok Kumar Son of Late Sukhdeo Baitha, resident of Mohalla- Bheluchak,
P.O.- Kabir Chak, P.S. - Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Bank of Baroda, represented By The General Manager Mandvi, Baroda, Head Office Suraj Plaza, Sayaligunj, Baroda- 390005.
2. The General Manager, Bank of Baroda, Head Office Baroda Bhawan, 7th Floor, R.C. Dutt Road, Vadodara- 390007.
3. The Assistant General Manager, Bank of Baroda, Regional Office, Muzaffarpur.
4. The Deputy Regional Manager, Bank of Baroda, Regional Office, Bihar Region, Muzzafarpur.
5. The Senior Branch Manager, Bank of Baroda, Darbhanga Branch, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shama Sinha, Advocate
		Mr. Vijayansh Pratap Singh, Advocate
For the Respondent/s	:	Mr. Sanjeev Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 01-12-2025

1. Heard learned counsel for the petitioner and
learned counsel for the respondent-Bank.

2. The petitioner has filed the instant application for
the following reliefs :-

*“(i) To issue an appropriate
writ/order/direction for quashing letter dated
30.07.2020 (Annexure- 3) and letter dated
18.09.2021 (Annexure- 4) vide which the claim
of the Petitioner for compassionate appointment*



under the Scheme for compassionate Appointment or payment of ex-gratia Financial Relief to dependents of deceased employees has been ejected on the ground that "the financial condition of the family is not indigent". The Respondent Bank while rejecting the claim has ignored its own definition of "indigent condition" as provided in Annexure- 5 & 5A wherein it is defined that the family condition will be considered as indigent, if the monthly income of the family from all the sources is than 60% (in case of petitioner, the family is survived by four dependent members) of last drawn GROSS salary of the deceased.

(ii) To issue an appropriate writ/order/direction in the nature of mandamus to respondents for granting benefit for of the Scheme compassionate Appointment or payment of ex-gratia Financial Relief to the Petitioner.

(iii) To any other relief or reliefs for which the Petitioner be entitled in the facts and is found to circumstances of the case."

3. The relevant facts in brief are that the father of the petitioner who was in bank service of the Bank of Baroda died on 4.8.2019. The petitioner made an application for appointment on compassionate ground which came to be rejected by the respondent-Bank by order dated 30.7.2020. The appeal preferred by the petitioner was also rejected on 18.9.2021. The orders impugned are Annexures-3 and 4 to the



writ application.

4. Having gone through the materials on record and the submissions made by the parties, it transpires that the application for compassionate appointment is dealt with by the Bank as per the terms of compassionate appointment and *ex gratia* amount in lieu thereof (Annexure-5 to the writ application).

5. The object of the scheme mentions about grant of appointment on compassionate ground to the dependent family member in case the employee dies leaving his family in penury without any means of livelihood. The order passed in appeal rejecting the application of the petitioner mentions about the monthly income of the family which comes to Rs.53,416/- per month as on 18.9.2021 i.e. the date of passing of the order.

6. In the opinion of the Court, in case of a family having the monthly income as stated in the order in appeal, the Court finds no error in the order passed by the respondent-Bank rejecting the application for compassionate appointment of the petitioner. The Court may also take note of the statement though made in the counter affidavit filed by the Bank that while the mother of the petitioner received a total sum of



Rs.58,70,449/-, she is also getting a pension of Rs.71,104/- (approx) every month.

7. The application so far as challenge to the order of the Bank rejecting the application for compassionate appointment is concerned, the Court finds no merit in the same and as such the application is rejected.

8. So far as payment of *ex gratia* amount is concerned, on perusal of the scheme brought on record as Annexure-5 to the writ application, the Court finds that Clause-5 thereof provides that *ex gratia* amount may be granted to the family of a employee if the monthly income of the family from all sources is less than 60% of the last drawn salary.

9. At the cost of repetition, it may be stated here that the monthly income of the family in the estimate of the Bank being Rs.53,416/- on the date of passing of the order impugned was much less than 60% of the last drawn salary of the employee which comes to Rs.70,422/-.

10. As such in the opinion of this Court, the petitioner has made out a case for consideration of his application for payment of *ex gratia* amount in lieu of compassionate appointment.



11. The petitioner will file an application for *ex gratia* amount within a period of two weeks which shall be considered and decided by the Bank within a period of four weeks from the date of its filing. Any amount found payable to the petitioner, will be paid within a period of two months from the date of passing of the order deciding the application/representation of the petitioner.

12. In case in the opinion of Bank no amount is found payable, reasoned order for the same shall be communicated to the petitioner within the aforesaid period.

13. The writ application stands disposed of.

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.12.2025
Transmission Date	NA

