

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10709 of 2019

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Ramesh Kumar Son of Nandu Kumar @ Nandu Ram @ Nand Kumar
Resident of Village-Hataa, P.S.-Mohamadbad, District (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The Union of India through Finance secretary, Department of Finance, Government of India, New Delhi.
2. The Chairman Cum Managing Director Cum Chief executive Officer of Allahabd Bank, 2 Netaji Subash Road, Opposite Fairlie, Beside Writer Building, Kolkatta-700001.
3. The Executive Director of Allahabad Bank, 2, Netaji Subash Road, Opposite Fairlie, Beside Writer Building, Kolkatta-700001.
4. The Board of Directors of Allahabad bank, 2, Netaji Subash Road, Opposite Fairlie, Beside Writer Building, Kolkatta-700001.
5. The General Manager (GAD) of Allahabad Bank (HD), 2, Netaji Subash Road, Opposite Fairlie, Beside Writer Building, Kolkatta-700001.
6. The Zonal Manager of Allahabad Bank, Zonal Office, Bhagalpur Main Branch Premises, Chandralok Complex, Ghantaa Ghar, Bhagalpur.
7. The Deputy General Manager of Allahabad Bank, Patna.
8. The Chief Manager of Allahabad Bank Bhagalpur
9. The Senior Manager of Allahabad Bank, Yusuf Pur, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devanand Tiwari, Adv.
For the Respondent/s : Mr. S.D. Sanjay, AD SG

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon the respondents especially respondent Allahabad Bank, Patna to consider the claim of the petitioner for appointment on compassionate ground on account of unfortunate and untimely death of his father, who died in



harness on account of brain tumor on 13.05.2007.

3. Learned Advocate for the petitioner referring to the averments submitted that irrespective of the fact an application has been filed for compassionate ground long back in the year 2009 and to be more specific on 03.07.2009 along with all the necessary documents, till date his case has not been considered. The petitioner left no stone unturned, but nothing was done. Hence, the present writ petition.

4. Before parting with this case, it would be relevant to observe that the very object of compassionate appointment is to give immediate succor to the bereft family whose bread earner died in harness. In the case in hand, this Court finds that the father of the petitioner died long back in the year 2007 and the petitioner filed the application for his appointment on compassionate ground in the year 2009. However, he approached this Court after a delay of decade. Hence, in the opinion of this Court, the very object of compassionate appointment stands frustrated.

5. It would also be worth benefiting to encapsulate the relevant paragraph of the decision rendered by the Hon'ble Apex Court in the case of *State of Jammu & Kashmir & Ors. vs. Sajad Ahmed Mir*, (2006) 5 SCC 766;

“The Compassionate appointment is



an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14."

(Emphasis supplied.)

6. Considering the aforesaid facts, this Court does not find any reason or occasion to pass any positive order. However, it is expected that if any application is pending, it should be brought to its logical conclusion.

7. The writ petition stands closed.

(Harish Kumar, J)

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