

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9124 of 2018

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Kumar Saurabh son of Late Vikash Prasad Sinha, resident of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The General Manager, State Bank Of India
2. The Regional Manager, State Bank of India, Regional Business Office 13740, Lotus Palace, Block Roa
3. The Branch Manager, State Bank of India, Siktia Branch, within the District of Godda, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Adv. Mr. Amarendra Kumar, Adv.
For the Respondent/s	:	Mr. Sri Sunil Kumar Singh, Adv.
For the SBI	:	Mr. Anjani Kumar Mishra, Adv. Mr. Ambarish Bhardwaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 31-01-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for the State Bank of India.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for quashing of the letter *vide* RBO/Godda/HR/925 dated 12.08.2016 contained in Annexure-6 issued by the Regional Manager (Respondent No.2) by which the claim of the petitioner has been rejected for compassionate appointment merely on the ground that the father of the petitioner had served his duty only for 18 years and, therefore, claim of compassionate appointment cannot be granted. The further prayer has been made to issue a command



to the respondent authority to appoint the petitioner on compassionate ground after setting aside the impugned letter as contained in Annexure-6 of this petition.

3. Counsel for the petitioner submits that the father of the petitioner, namely, Vikash Prasad Sinha was an Assistant and he has been appointed in the year 1993 and he was transferred several branches during his service period and lastly in Siktia Branch within the District of Godda, Jharkhand and died on 05.02.2011 when in employment, leaving behind his wife and two sons. He further submits that at the time of death, the petitioner was studying in class 10th and passed matriculation examination in the year 2012 and has applied for compassionate appointment after attaining the age of majority before the Bank on 28.01.2016 along with the details of his father. He further submits that upon application, the then Branch Manager, S.B.I., Siktia, Godda after receiving the application, forwarded to the Regional Manager, S.B.I., who has rejected the claim of the petitioner on 12.08.2016, merely on the ground that his father served only 18 years of service in the Bank. He further submits that no reasons have been assigned.

4. Counsel further submits that a counter-affidavit has been filed in this case in which counsel for the Bank has



opposed the writ petition. He further submits that the petitioner has applied and entitled for compassionate appointment as he has submitted his application well within time and in the light of the Hon'ble Supreme Court Judgment, *i.e., Umesh Kumar Nagpal* which is the condition precedent as mentioned in Rule 7 of the scheme for appointment on compassionate ground in exceptional case, in the S.B.I. has been framed.

5. Counsel for the S.B.I. submits that case of the petitioner is not maintainable. He submits that though in the rejection letter, explicit term has not been indicated, but the scheme itself which has been annexed *vide* Annexure R/2 to the counter-affidavit clearly indicates that SBI scheme for appointment on compassionate ground in exceptional case covers two types of persons and the petitioner is not coming in any one of type and it is due to this reason, his case could not be considered.

6. After hearing the parties and upon going through the relevant scheme, it transpires to this Court that there is a condition precedent for applicability of the scheme which states as follows:-

“3. We enclose, for your information and necessary action the scheme for appointment on compassionate grounds in exceptional cases. The



scheme will be applicable in the following cases:

i. Employee dying while performing his official duty, as a result of violence, terrorism, robbery or dacoity,

ii. Employee dying within five years of his first appointment or before reaching the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children”

and further in Rule 5 of the said scheme, the said condition has been repeated in Clause 5 under heading ‘Applicability’ which states as follows:-

“5. Applicability:- The Scheme of compassionate appointment will be applicable in the following cases:

iii. Employee dying while performing his official duty, as a result of violence, terrorism, robbery or dacoity:

iv. Employee dying within five years of his first appointment or before reaching the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children.”

7. After going through the said condition, it transpires to this Court that the scheme which has to be applied in exceptional cases, shall be implemented only when the employee dying while performing his official duty, as a result of violence, terrorism, robbery or *dacoity*. Here in the present case, this Court finds that there is deficiency of either violence,



terrorism, robbery or *dacoity*.

8. In this background, this Court is of the firm view that the said scheme shall not be applicable for the petitioner. As such, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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