

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9509 of 2023

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Ajay Kumar Mahto S/o Ram Prasad Mahto R/o-Balha, P.O.-Rajapatti, P.S. Baikunthpur, Distt.-Gopalganj.

... .. Petitioner/s

Versus

1. The United Commercial Bank Ltd. (UCO Bank) through Chairman Cum Managing Director, 6th Floor, 10B T.M. Sarani, Kolkata, 700001, West Bengal.
2. The Executive Director, the United Commercial Bank Ltd. (UCO Bank), 6th Floor, 10B T.M. Sarani, Kolkata, 700001, West Bengal.
3. The General Manager, Personnel Services Department, the United Commercial Bank Ltd. (UCO Bank), Head Office-3 and 4 D.D. Block Sector 1 Salt Lake, Kolkata, West Bengal.
4. The Assistant General Manager, Personnel Services Department, the United Commercial Bank Ltd. (UCO Bank), Head Office-3 and 4 D.D. Block Sector 1 Salt Lake, Kolkata, West Bengal.
5. The Zonal Head, the United Commercial Bank Ltd. (UCO Bank), Zonal Office, Patna.
6. The Regional Manager, the United Commercial Bank Ltd. (UCO Bank), Regional Office, Patna.
7. The Senior Manager, the United Commercial Bank Ltd. (UCO Bank), Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Ranjan Kr Srivastava, Rajanigandha Akhouri,
Advocates
For the Respondent/s : M/s Shivendra Kr Roy, Sheela Sharma, Advocates

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 10-02-2025

The petitioner has preferred this petition seeking the following reliefs:

***A. For issuance of writ/writs,
order/orders in the nature of Certiorari for
quashing the Letter vide Ref
HJP/COMP_APPOINT/26275/2021-22/24***



dated 22.12.2021 (Annexure 6) issued by Respondent No 7 i e Senior Manager, UCO Bank, Hajipur, Vaishali whereby and whereunder application of the Petitioner for compassionate appointment has been declined without considering the Scheme for Compassionate appointment in bank vide clause 2.2 and Clause 5 in circular No CHO/PMG/23/2014-2015 (Annexure 8).

B. For issuance of writ/writs, order/orders in the nature of Mandamus for commanding/directing the Respondents to appoint the Petitioner on he basis of compassionate ground. As the father of the petitioner was working as Head Cashier, UCO Bank, Hajipur Branch, Distt – Vaishali died on 25.04.2019 during service period. As application for compassionate appointment of the Petitioner was recommended by the Senior Manager, UCO Bank on 11.11.2020 (Annexure 4) but it has not been considered.

C. To any other relief/reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.”

2 Brief facts of the case are that the father of the petitioner, namely, Ram Prasad Mahto was working as Head Cashier in the UCO Bank, Hajipur Branch, Vaishali and had died during his service period on 25.04.2019. The petitioner is the eldest son of the deceased employee. Mother of the petitioner, namely, Tetari Devi, with the consent of the petitioner, made an application on 09.10.020 before the respondent-Bank for compassionate appointment of her son, the petitioner herein which



was recommended and forwarded by Respondent No 7 to Respondent No 5 vide its letter dated 11.11.2020 (Annexure 4 series). The application of the petitioner was rejected and communicated to him through communication dated 22.12.2021 (Annexure 6) and it was informed that since the petitioner is a married person, therefore, he is not entitled to get any appointment on compassionate ground. Hence, this petition has been preferred by the petitioner.

3 It is submitted by the learned counsel for the petitioner that the application of the petitioner has wrongly been rejected by the respondents. According to the counsel, Clause 2 of the Scheme for Compassionate Appointment (Annexure 8) dated 29.09.2014 clearly states that the dependent family members means “wholly dependent son”. The married son of the deceased employee is not excluded from the definition of the family members of the said scheme. Undisputedly, the petitioner is the dependent family member of the deceased, therefore, his candidature for grant of compassionate appointment ought to have been considered and allowed.

4 In its counter affidavit, the respondent-Bank has accepted the fact that the petitioner is the eldest son of the deceased employee and it is also admitted that his application was



duly forwarded by the zonal office of the Bank along with the affidavit of the mother and brother of the petitioner. The claim of the petitioner has been rejected vide communication dated 22.12.2021 (Annexure 6) only on the basis that he is a married son of the deceased. The counter affidavit further shows that as of now, the Scheme for Compassionate Appointment in Public Sector Banks has been amended and, as contained in letter dated 20.07.2023 (Annexure R7-4) annexed with the counter affidavit, the married son is included in the definition of dependent family member of the deceased in the Scheme.

5 Learned counsel for the respondent-Bank submits that since the modification in guideline will be applicable on or after 19.09.2022, therefore, the petitioner is not entitled to get any relief on the basis of above modification as his claim has already been rejected prior to 19.09.2022.

6 Perusal of the Scheme for Compassionate Appointment dated 29.09.2014 (Annexure 8) shows that in Clause 2 of the said Circular, there is no disqualification in the eligibility/criteria of married son for compassionate appointment. The learned counsel for the respondent-Bank is unable to point out any such provision in the Scheme dated 29.09.2014 (Annexure 8).



7 Undisputedly, the petitioner is the eldest son of the deceased employee and was dependent upon the deceased employee and according to the Scheme dated 29.09.2014 (Annexure 8) which has also been modified subsequently vide Annexure R7-4 dated 20.07.2023, he is entitled to get appointment on compassionate ground.

8 Therefore, the impugned order dated 22.12.2021 (Annexure 6) whereby the application of the petitioner has been rejected is set aside.

9 The respondent-Bank is directed to reconsider the claim of the petitioner in accordance with law and pass a fresh reasoned order taking into consideration the subsequent modification in the Scheme of 2014 which will be done positively on or before 60 days from the date of receipt of a copy of the order of this Court.

10 Accordingly, the petition is allowed.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.02.2025
Transmission Date	NA

