

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16414 of 2017

Deomuni Devi Wife of Late Vijay Kumar Resident of Mohalla - Murti Hill
Bairagi, P.S. - Delha, District - Gaya.

... .. Petitioner/s

Versus

1. The Central Bank Of India Through Its General Manager, Chandra Mukhi
Nariman Point Mumbai (maharashtra).
2. The Regional Manager Central Bank of India Maurya Complex Patna,
District - Patna.
3. The Branch Manager, Central Bank of India Station Road Branch Gaya, P.S.
- Kotwali, District - Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad
For the Respondent/s	:	Mr. Ajay Kumar Sinha, Sr, Advocate
		Mr. Ajit Kumar Sinha, Advocate
		Mr. Pravin Kumar, Advocate
		Ms. Zeba Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-12-2025

Heard learned counsel for the parties.

2. The petitioner has filed the instant application for a direction to the respondents to make payment of *ex gratia* lump sum amount in lieu of appointment on compassionate ground to the petitioner.

3. The case of the petitioner in brief is that the husband of the petitioner who was employed with the Central Bank of India, Station Road Branch at Gaya died in harness on 11.6.2007. The petitioner not being aware with the provisions of payment of *ex gratia* lump sum amount in lieu of appointment on compassionate ground, approached the respondents to



appoint her on compassionate ground. No steps was taken by the respondent authorities. The petitioner received a communication dated 14.7.2010 from the Regional Manager of the Bank enclosing with the letter a copy of the scheme for payment of *ex gratia* lump sum amount in lieu of appointment on compassionate ground.

4. It is submitted by learned counsel for the petitioner that soon after receipt of a copy of the scheme, the petitioner on 2.8.2010 applied for payment of *ex gratia* lump sum amount in lieu of compassionate appointment. As directed by the Bank by their letter dated 27.1.2011 (Annexure-3), the petitioner also provided the relevant documents. She was communicated on 8.1.2015 that the death of the petitioner's husband having taken place on 11.6.2007 i.e. after 14.12.2005, his application was being resubmitted. However, on 21.11.2016, the respondent Branch Manager of the Bank informed the petitioner that even the application for *ex gratia* payment having been submitted beyond the period of six months from the date of death of the employee, the same had been returned. It is under these circumstances that the instant application has been filed directing the respondent Bank to make payment of the *ex gratia* lump sum amount in lieu of appointment on



compassionate ground.

5. Learned counsel for the petitioner relies on the judgment dated 25.9.2025 of the Madhya Pradesh High Court in Writ Petition no. 5109 of 2019 (Smt. Sunita Namdev vs. UCO Bank and Ors.) and more particularly paragraph no. 16 thereof.

6. Learned counsel appearing for the Bank submits that the facts not in dispute are that the husband of the petitioner died on 11.6.2007. The case of the petitioner is governed by the scheme for payment of *ex gratia* lump sum amount in lieu of appointment on compassionate ground, relevant circular of which has been brought on record by the petitioner as Annexure-2 to the application. Perusal of the same would show that the said new scheme came into operation with effect from 14.12.2005, however, an application had to be made by the family of the deceased employee within a period of six months from the date of death. The death of the husband of the petitioner/employee having taken place on 11.6.2007, the application should have been made on or before 11.12.2007. As against this, the application having been filed by the petitioner on 2.8.2010, the application could not be entertained nor any benefit be granted to the petitioner under the scheme. In support of his contention, learned counsel for the Bank relies on the



judgment in the case of ***Shreejith L. vs. Deputy Director (Education) Kerala and Ors.; (2012) 7 SCC 248.***

7. Heard learned counsel for the parties and perused the material on record.

8. The relevant facts in brief are that the employee/husband of the petitioner who was in service of the Central Bank having died on 11.6.2007, the petitioner came to apply for *ex gratia* payment under the scheme of the Bank on 2.8.2010. The Bank having considered the application of the petitioner, by letter dated 21.11.2016 written by the Branch Manager of the Bank addressed to the petitioner, communicated that the application having been submitted beyond the period of six months from the date of death of the employee, the same has been returned.

9. It further transpires from the records of the case that several other applications were also filed which were also rejected, the rejection of the last application having been communicated to the petitioner by letter dated 9.5.2023 (Annexure-R/1 to the supplementary counter affidavit on behalf of the respondent Bank).

10. So far as the judgment in the case of Smt. Sunita Namdev (*supra*) relied upon by learned counsel for the



petitioner is concerned, the Court in paragraph no. 16 held as follows:

“16. Having regard to the aforesaid discussion, this Court is of the considered view that action of the Bank in not granting ex gratia to the petitioner after death of her husband late Shri Mahesh Chand Namdev is unwarranted and in the circumstances, inevitable inference considering the entirety of facts is that petitioner cannot be denied grant of ex gratia payment in accordance with Scheme of 2007 merely on the ground that the application in the prescribed format was not filed by petitioner within six months from the date of death of her husband. In the circumstances, it will not be appropriate to deny the petitioner the grant of ex gratia payment on demise of her husband who worked 10 years with the respondent/Bank and the ends of justice would meet only if the petitioner is granted ex gratia amount of Rs.6,00,000/- (Rupees Six Lacs Only).”

11. There being no dispute with respect to the fact that the application was filed by the petitioner beyond the period of six months of the death of the employee, it would be relevant to refer to the judgment of the Hon'ble Supreme Court in the



case of Shreejith L. (supra) wherein it was held in paragraph nos. 36 and 37 as follows:

“36. The High Court observed:

“In this case, the appellant's application was defective, but we are not inclined to hold that the appellant did not raise any claim in time. It was raised by the widow of the employee, who died in harness, on the fourth day of his death. An application or a representation from the widow, cannot be said to be relevant, going by the relevant G.O., because, as per the G.O., the widow gets the first preference for employment under the dying-in-harness scheme and only with her consent, somebody else's claim can be considered. That is the reason, why she submitted in Ext. P-3 that she was agreeing to give employment to the appellant and also made a request for the same. So, definitely, it was a claim, in terms of the government order, governing appointment under the dying-in-harness scheme, but, it was defective, inasmuch it was not submitted in the prescribed format. As held by this Court in Baiju Kumar case mentioned above, it is the duty of



the Manager to alert the claimant, regarding the existence of a vacancy in his school and ask him to apply in the prescribed format. He has also got a duty to ask the claimant to cure the defects, if any, in the application submitted by him.”

The learned counsel argued that there was no obligation on the part of the Manager of the school to go in search of the legal heirs left behind by an employee who had died in harness. It was submitted, if an employee of the school died in harness and his legal representatives required any assistance in the form of compassionate appointment it is for them to approach the school in that regard by making an application in the manner prescribed. If the legal heirs did not do so, the Manager could reasonably assume that they were not in need of any assistance or otherwise they would ask for the same. There is merit in that contention.

37. We do not see any obligation on the part of the institution or the Manager to go in search of the legal heirs of the deceased employees or educate them about their right to seek an appointment under the scheme. If a person is eligible for a benefit under the scheme he



can and indeed should on his own approach the institution and seek such an appointment.
The view expressed by the High Court in Baiju Kumar v. D.E.O., Trivandrum, to which a reference has been made in the judgment, appears to be unreasonable albeit in favour of the legal heirs of the employee.”
(Emphasis supplied)

12. In view of the facts and circumstances of the case, the application having been filed by the petitioner beyond the time stipulated in the scheme as also the ratio of the judgment of the Hon’ble Supreme Court relied upon by learned counsel appearing for the respondent Bank, the Court finds no merit in the instant application.

13. The application is dismissed.

(Partha Sarthy, J)

saauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
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