



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-12430-2019
Date of decision: 08.04.2025

RUPINDER SINGH

.....Petitioner

VERSUS

ORIENTAL BANK OF COMMERCE AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. R.S. Dhillon, Advocate
for the petitioner.

Ms. Neha Rana, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the letter No. COB/HRD/1034/2018 dated 01.09.2018 (Annexure P-3) passed by respondent No.2-the Deputy General Manager, Oriental Bank of Commerce, Circle Head, Circle Office, Bathinda whereby the claim of the petitioner for compassionate appointment has been rejected without assigning any reason.

2. Learned Counsel appearing on behalf of the petitioner contends that Krishan Bhagwan Singh-late father of the petitioner was working as a Assistant Manager and he expired while in service on 14.10.2017. The father of the petitioner had three legal heirs i.e. Rekha Rani (widow and mother of



the petitioner and Jaspreet Singh (brother of the petitioner) and the petitioner himself. An application for seeking compassionate appointment dated 02.01.2018 was accordingly submitted by the petitioner alongwith the requisite affidavit of the other family members. The petitioner and his family members were however shocked on receipt of the communication dated 01.09.2018 whereby the claim of the petitioner for seeking compassionate appointment was rejected for the following reasons:-

“In reference to above we have to inform that your request application for appointment in the bank service on compassionate grounds has been considered but not acceded to by the Competent Authority as per the provisions of the scheme. Moreover, as per details submitted by you, the financial condition of the family is not in a penury state.

Further it is also informed that the legal heirs of deceased employee are not eligible for payment of Ex-Gratia amount in lieu of Compassionate appointment, as per provisions of the scheme.”

3. Learned Counsel appearing on behalf of the petitioner contends that no reasons have been assigned by the respondents for denying the claim.
4. Counsel appearing on behalf of the respondents, however, contends that the case of the petitioner was considered in terms of the applicable policy and it was noticed that the facts enumerated in the application dated 02.01.2018 were contrary to the joint affidavit dated 09.02.2018 submitted by the petitioner. The younger brother of the petitioner was getting a salary of Rs. 10,000/- per month besides there was a family



pension of Rs. 19,987/-. Financial dues on account of gratuity, Provident Fund, Leave Encashment etc. has also been released in favour of the family, hence, they were not in a state of penury. Thus, the claim has been declined as the family was not indigent state and there was no possibility of the family suffering.

5. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.

6. The applicability of the scheme for compassionate appointment is not in dispute. Clause 10 thereof reads thus:-

10. WHERE THERE IS AN EARNING MEMBER

“10.1. In deserving cases, even when there is already an earning member in the family, a dependent family member shall be considered for compassionate appointment with the prior approval of the competent authority of the bank who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified, having regard to the number of dependents, assets and liabilities left by the employee, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the employee and whether he should not be a source of support to other members of the family.”

7. It is evident from a perusal of the same that while considering the case of compassionate appointment, a decision has to be taken after noticing the number of dependents, assets and liability, the income of the earning members as also the liabilities, however, it is evident that no such

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aspect has been taken into consideration while deciding the claim of the petitioner for grant of compassionate appointment. Invariably, the order in question had been passed in a mechanical manner after taking note only of the financial benefits that were released on account of death of the petitioner. Apparently, the order passed by the respondent-authorities fails to satisfy the test of a reasoned consideration as per the parameters and guidelines prescribed under Clause 10 of the Compassionate Appointment Policy.

8. The impugned order is accordingly set aside. The matter is remanded to the respondent-authorities to take a fresh decision in accordance with law. Let the needful be done within a period of three months of a receipt of certified copy of this order.

The writ petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 08, 2025*Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No