



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

143

CWP-11184-2025 (O&M)
Date of decision: 24.04.2025

Jaswinder Kaur

...Petitioner

VERSUS

Punjab and Sind Bank and others

...Respondents

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

Present :- Mr. M.S. Virk, Advocate for the petitioner(s).

Mr. Gaurav Goel, Advocate and
Mr. Teginder Singh, Advocate for the respondent(s)-Bank.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the office order dated 23.08.2021 whereby the claim of the petitioner for grant of Ex-Gratia payment on compassionate grounds has been rejected, the instant petition has been filed.
2. Learned counsel appearing on behalf of the petitioner contends that late Paramjit Singh-husband of the petitioner, was working as a Cashier with the respondent-Bank since 1980. He expired on 27.04.2006 whereupon a formal claim, on prescribed proforma, was submitted with the respondents in the year 2008 for payment of ex-gratia financial assistance on compassionate grounds. He contends that the petitioner continued to make representations, however, as no decision was taken, the petitioner eventually approached this Court by filing a writ petition in the year 2021 i.e. after delay of nearly 15 years since the demise of her husband. The said writ petition was initially disposed of directing the respondents to take a decision



on the claim for ex-gratia financial assistance submitted by the petitioner. In compliance thereto, the respondents passed the impugned order on 23.08.2021 whereby the claim of the petitioner for grant of ex-gratia financial assistance was declined being time barred and it was not possible for the Bank to ascertain regarding the indigent or penurious circumstances, if any, of family of Ms. Jaswinder Kaur at the time of death of Mr. Paramjit Singh. Despite receipt of the copy of the said order, the petitioner did not approach the Court at the first given opportunity and has filed the instant writ petition after a delay of nearly 04 years.

3. Learned counsel appearing on behalf of the petitioner vehemently argues that the delay on the part of the petitioner in approaching the competent authority as well as to the Courts for seeking the benefit of ex-gratia financial assistance should not stand to her detriment. He contends that the petitioner being a widow, she was not aware of her rights.

4. No other argument has been raised nor any judgment has been cited by the learned counsel for the petitioner.

5. In the matters relating to compassionate appointments or financial benefits, time is not just an ornamental requirement but may also become essential to examine the necessity of invoking such scheme.

6. Law needs no elucidation that schemes conferring compassionate benefits are not in the nature of a statutory obligation but a welfare measure by the employer to render financial or other help to aid the family in harness or distress to tide over the financial hardship or penury which befalls the family on demise of the bread-earner. Such benefits may



be subject to certain conditions for assessing the need for extending such benefit. While certain degree of latitude can be extended over delay, which stretches to an extent where assessment of the essential condition for entitlement to seek ex-gratia compensation becomes impossible, may dilute or delete the claim of the family to claim such benefits. A mere plain stroke submission invoking sympathy may not always be a correct approach while examining the claim or disputes which reflect complete lack of pursuit.

7. Surprisingly, while the counsel argues that an informal application was submitted soon after death and a formal application was submitted in two years, reflecting the petitioner to be aware of the scheme and her rights, she chose not to approach any fora for 15 years.

8. Counsel for the petitioner has not been able to satisfactorily answer as to what precluded the petitioner from approaching the Court of law within a reasonable time. She took 15 years to approach this Court for the first time in the year 2021 and thereafter, even though the impugned order had passed in August-2021, yet, she chose not to approach this Court immediately and waited another 04 years.

9. It has also been noted by this Court that contrary to the arguments advanced by the Counsel for the petitioner that the claim has been rejected solely on the ground of the delay in approaching the respondents, an additional reason explained by the respondents in the impugned order is that ex-gratia financial amount is to be paid to a family, only upon consideration whether the family is in indigent or penurious circumstances. Owing to the substantive lapse of more than one and a half decade in



143 CWP-11184-2025 (O&M)

submission and consideration of the claim, the indigent or penurious circumstances of the family at the time of death of deceased-Paramjit Singh could not be ascertained after such a delay.

10. The said grounds cannot be said to be fully irrelevant.

11. Besides, there is nothing mentioned in the petition that at the time of death of deceased, the family circumstances were indigent or penurious. The petitioner has also not referred to the applicable policy at that time or pleaded as to whether she fulfilled the parameters for grant of ex-gratia financial assistance as per the policy applicable then.

12. Considering from either of the above angles, the present writ petition not only lack merit but is also severely hit by delay and laches. The same is accordingly **dismissed**.

(VINOD S. BHARDWAJ)
JUDGE

24.04.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No