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

**CWP No. 27522 of 2018 (O&M)**
Date of decision : 22.01.2025

Ramesh Kumar …Petitioner
Versus
State Bank of India and others …Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Lalit Rishi, Advocate, for the petitioner.
Ms. Madhu Dayal, Advocate, for the respondents.
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***__SANJEEV PRAKASH SHARMA, J. (Oral)__***

The petitioner, who is the nephew of deceased Ram Murti, claims by way of this writ petition the benefits of compassionate appointment and ex-gratia payment on the ground that he is class-II heir and was the nominee of the deceased and the only dependent legal heir.

2. As has come on record, Shri Ram Murti was a clerk in service of State Bank of India and unfortunately expired on 29.01.1999 as unmarried. The petitioner claimed service benefits of the deceased employee and also sought appointment on compassionate ground which was denied with direction to get a declaration being a legal heir. Civil suit was decreed on 21.02.2012 in favour of the petitioner holding him entitled to receive service monetary benefits of deceased Shri Ram Murti, having been shown as nominee by the deceased. The claim for appointment on compassionate grounds was, however, rejected.

3. Learned counsel for the petitioner has stated that the scheme for appointment on compassionate grounds of deceased employee dated 15.01.1998 was invoked, which also provided for nomination of a near

relative by the spouse at his or her request in place of the spouse. He submits that the definition of the dependent which has been introduced in the scheme dated 11.03.2003 and in the State Bank of India scheme for payment of ex-gratia, lump sum amount brought into force with effect from 04.08.2005, which provides for ex-gratia amount in place of compassionate appointment, does not include near relative/ nephew, which is unjustified. He submits that the Government ought to take into consideration even near relatives as dependents for the purpose of the scheme.

4. A look at the scheme for appointment on compassionate grounds reflects that the word 'dependent' means in a case of married employee, her son (including legally adopted son) or unmarried daughter (including legally adopted unmarried daughter) or if the deceased employee has left behind no children of his/ her own eligible for appointment, any other relative nominated by the spouse on whom she will be wholly dependent. In case of an unmarried employee 'dependent' means a brother or a sister. Thus, the rule making authority has taken into consideration for an unmarried employee only brother or a sister to be treated as a dependent.

5. In the opinion of this Court, extending the definition to include a nephew would be creating an anomalous situation. There can be possibility that two brothers or two sisters or one brother or one sister may be employed in the same bank, while one may be married and the other may be unmarried. If a child of the married person, is to be treated as a dependent of the other employee (brother or sister), the situation may arise of the person may be to get two different advantages.

6. Similarly, the SBI scheme for payment of ex-gratia lump sum amount is for employees dying in harness and the scheme is for dependents/ family. The 'family' has been defined to mean include spouse, wholly

dependent children (son, including legally adopted son/ unmarried daughter including legally adopted unmarried daughter). In case of an unmarried employee parents who are wholly dependent on the employee will constitute 'family'. Thus, as per the said scheme, the concept is to give benefit to those who are dependent on the employee and not to the beneficiary of the employee.

7. The very purpose of the ex-gratia payment on compassionate grounds would become redundant, if the definition of family as defined therein extended to persons who are otherwise dependent on their own parents but have been given the benefit of class-II legal heir on account of being agnates. The petitioner was neither adopted child of the deceased employee nor it can be said that he was not dependent on his own parents. Merely because he is the beneficiary to the service benefits of the deceased employee, would not make him to come within the ambit of the four corners of the scheme.

8. In view thereto, we, therefore, do not find any reason to accept the contentions of the petitioner. Accordingly, the present writ petition is dismissed.

9. All pending applications, if any, stand disposed of.

10. No costs.

**(SANJEEV PRAKASH SHARMA)**
**JUDGE**

**22.01.2025**
vs

**(MEENAKSHI I. MEHTA)**
**JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No