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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 05.12.2025**

\+ W.P.(C) 7097/2023

ASHA RANI ..... Petitioner

Through: Mr. A K Bhakta, Adv. (through VC).

versus

STATE BANK OF INDIA AND ORS. .....Respondents

Through: Mr. Rajiv Kapur, SC with Mr. Akshit Kapur, & Ms. Riya Sood, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J. (ORAL)

1. This petition is filed seeking directions to the State of Bank of India (for brevity 'the bank') to consider the son of the petitioner for compassionate appointment. The husband of the petitioner hereinafter referred to as 'deceased' was working with the bank and died on 29.01.2021 leaving behind his wife, two sons and a daughter.

2. On 07.03.2021, the petitioner applied for compassionate appointment for her son, Mohit Kumar. The proforma for appointment was filled on 17.08.2021. The case of the petitioner was considered as per the scheme introduced on 27.12.2014 (for short '2014 scheme'). An ex-gratia amount of approximately Rs.12 lakhs as per the 2014 scheme along with twelve months' salary amounting to Rs. 5,89,384/-

was paid to the petitioner. The amount was accepted by the petitioner.

3. On 16.03.2021, a revised scheme for compassionate appointment (for short 'scheme of 2021') was introduced by the bank giving options of either having ex-gratia or to have a compassionate appointment. The scheme was prospective.

4. The petitioner filed representation on 20.10.2021 claiming to be covered by the scheme of 2021 and seeking compassionate appointment for her son.

5. The present petition is filed raising a grievance that the son of the petitioner is not being considered for compassionate appointment.

6. Learned counsel for the petitioner submits that the financial position of the family of the deceased is weak and that the son of the petitioner should be considered for compassionate appointment. The contention is that as per scheme of 2021, the petitioner is ready to refund the ex-gratia amount and her son be considered for compassionate appointment.

7. Per contra 2014 scheme was applicable at the time of the death of the deceased and the case of the petitioner for a compassionate appointment was not covered in that scheme. Further that scheme of 2021 is prospective and the retrospective operation is permissible only on fulfillment of two conditions which are not there in the case of the petitioner.

8. The deceased died on 29.01.2021. It is not disputed that at that time, the scheme of 27.12.2014 held the field. Under this scheme, ex-gratia amount was to be paid and compassionate appointment could have been given only in cases;

"(a) where an employee died while performing official duty, as a result of violence, terrorism, robbery or dacoity: or

(b) where an employee died within five years of first appointment or before reaching the age of 30 years, whichever was latter, leaving a dependent spouse and / or minor children."

It is not the case of the petitioner that the death of the deceased fell within the two conditions stipulated in the 2014 scheme.

9. Vide circular dated 16.03.2021, revised scheme of 2021 was introduced and was made effective from the date of the circular. The retrospective effect of this scheme was only in cases where the death of the employee was due to COVID-19. Further that in case of the employee having died due to COVID-19 on or after 24.03.2020, the ex-gratia amount so received in lieu of the compassionate appointment shall have to be refunded for applying for compassionate appointment.

10. The deceased died on 29.01.2021 i.e. prior to the implementation of the scheme of 2021. The cause of death of the deceased was Liver Cancer and is not covered in the exception carved out in scheme of 2021 for retrospective application.

11. In absence of challenge to the period of operation of the revised scheme, no case is made out for interference in writ jurisdiction for issuing directions for consideration for compassionate appointment as the case of the petitioner was neither covered for compassionate appointment in 2014 scheme nor comes within the ambit of the condition required to be fulfilled for retrospective operation of the scheme of 2021.

12. The writ petition is disposed of.

AVNEESH JHINGAN, J.

DECEMBER 5, 2025/*'JK'*

Reportable:- Yes