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

+ **W.P.(C) 14706/2023**

VINESH KUMAR

.....Petitioner

Through: **Mr. Aayush Shukla & Mr. Vikash
Kumar, Advocates.**

versus

PUNJAB AND SIND BANK

.....Respondent

Through: **Mr. Rajat Arora, Mr. Niraj Kumar,
Mr. Sourabh Mahla & Mr. Om
Prakash, Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

15.04.2025

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1. By way of this writ petition under Article 226 of the Constitution, the petitioner seeks compassionate appointment in the services of the respondent-Bank consequent upon the death of his father Shri Ramesh Chand, who was employed in the Bank as a sweeper.

2. Shri Ramesh Chand died on 11.06.2016 while he was still in service. The petitioner made an application for compassionate appointment on 13.07.2017, a copy whereof has been annexed to the writ petition as Annexure A-5. The application was disposed of only six years later, by the impugned order dated 16.03.2023, wherein it was held that the petitioner was not eligible for compassionate appointment, as the family does not fall within the definition of an "indigent family", in terms of the Bank's Circular dated 18.11.2022 entitled '*PSB Jeevan Sahara*'



[“Scheme”]. A copy of the said Circular has been placed on record.

3. As far as subordinate staff such as Shri Ramesh Chand is concerned, the eligible conditions for determination of indigence are provided under Clause 5.1(c), which reads as follows:-

“(c) *Where deceased employee was in Subordinate Cadre*

(i) *Where the family income (including notional income) is less than 60% of last drawn salary (net of taxes) of the deceased employee or*

(ii) *Where family income (including notional income) is more than 60% of last draw salary (net of taxes) of the deceased employee but less than Rs. 2000.00 (Twenty Thousand) p.m.*”

[Emphasis supplied.]

4. The Bank has filed a counter affidavit dated 05.02.2024, in which it has been stated that the petitioner’s family received a total of sum of ₹10,47,725/- by way of his terminal benefits, and that family pension of ₹14,333.53 has also been paid to the family. Calculating notional income on the sum of ₹10,47,725/- at the rate of 7.75% per annum, the family’s notional income has been computed at ₹6,766/-. When added to the family pension, the total income of the family has been calculated at ₹21,229/-. It is, therefore, contended that the petitioner’s family does not fall within the ambit of Clause 5.1(c), as the total family income is more than 60% of the last drawn salary of the deceased employee, which was ₹25,250/-, and also more than ₹20,000 per month.

5. In the course of hearing, it appears that a few issues require further consideration:

- a. There is no justification in the counter affidavit for computation of notional income on the basis of a return of 7.75% per annum. Clause 5.5 of the Scheme provides that notional income would



be calculated at the repo rate (at the time of death) plus 1.25% per annum. However, no documentary evidence has been placed on record, nor is there any averment in the counter affidavit to suggest that the repo rate at the time of the death of Shri Ramesh Chand was 6.5%.

- b. Furthermore, Clause 5.5 also makes it clear that the return is to be calculated upon the surplus amount, after adjustment of liabilities from the terminal dues. In the application filed by the petitioner, outstanding overdraft liabilities of ₹46,480.60/- have been mentioned, which do not appear to have been taken into account.
- c. The third and most significant factor is the quantum of family pension. In the application filed by the petitioner in the year 2017, the amount of family pension has been mentioned as ₹10,923/- whereas, from the counter affidavit, it appears that the respondent's computation is based on a family pension of ₹14,333/-. This discrepancy appears to have arisen because the counter affidavit was filed on 05.02.2024, by which time the family pension had been enhanced. However, this approach does not *prima facie* appear to be sound. The petitioner made the application in the year 2017, but the threshold of ₹20,000/- has been crossed only because of enhancement in the amount of family pension during the pendency of the application with the Bank for six years.

6. Having regard to all these factors, the Bank is directed to reconsider the eligibility of the petitioner in terms of the Scheme.



7. It is agreed by learned counsel for the parties that the Bank may take into account the details stated by the petitioner in the application, and also compute the family income on the basis of the family pension received by the petitioner's family at that time.

8. The Bank may take a decision within eight weeks and communicate the same to the petitioner. The rights and contentions of the parties remain reserved.

9. The writ petition stands disposed of with these directions.

PRATEEK JALAN, J

APRIL 15, 2025

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