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

% ***Decided on: 13.02.2025***

\+ W.P.(C) 13949/2024

ANITA .....Petitioner

Through: Mr. Abhishek Kumar, Advocate alongwith Petitioner in Person.

versus

PUNJAB AND SIND BANK .....Respondent

Through: Mr. Rajat Arora, Mr. Niraj Kumar & Mr. Sourabh Mahla, Advocates for R-1. [M:-9810176964]

**CORAM:**
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J. (ORAL)**

1. By way of this petition under Article 226 of the Constitution of India, the petitioner assails an order of the respondent-Bank dated 10.09.2024[1], by which her request for compassionate appointment was declined, on the ground that she is not eligible under the scheme of the Bank dated 18.11.2022.

2. The petitioner's husband joined the service of the Bank on 18.09.1995 as a peon. While he was still in service, he died of liver failure on 23.09.2022. The petitioner started receiving pension from the Bank's Employees Welfare Society Pension Scheme on 07.01.2023, and family pension on 04.03.2023.

3. The petitioner applied for compassionate employment on 15.02.2023. Her application was first rejected on 10.12.2023, against

[1] Annexure P-12 to the writ petition.

which she approached this Court by way of W.P.(C) 10672/2024. In the meanwhile, she filed a second application for compassionate appointment on 30.12.2023. By an order dated 02.08.2024, the writ petition was disposed of, with a direction to consider the application dated 30.12.2023 in terms of the applicable guidelines/scheme/policy within six weeks. The respondent was directed to dispose of the petition by way of a reasoned order, if the petitioner was found ineligible.

4. By the impugned order dated 10.09.2024, it was recorded that the petitioner was ineligible, as her family income was more than 60% of the last drawn salary (net of taxes) of her husband, and also greater than ₹20,000/-.

5. I have heard Mr. Abhishek Kumar, learned counsel for the petitioner, and Mr. Sourabh Mahla, learned counsel for the Bank.

6. Clause 5.1 of the scheme formulated by the Bank dated 18.11.2022, contains the eligibility criteria for compassionate appointment. The clause has been set out in the impugned order, although it has not been placed on record by either party. As far as employees in the subordinate cadre are concerned, the financial eligibility criteria are as follows:-

> *"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 drawn salary (net of taxes) of deceased employee but less than Rs.20000.00 (Twenty thousand) p.m."*

7. Annexure-A to the order is a detailed calculation, as to the petitioner's eligibility. It shows that the petitioner had received a sum of ₹18,22,540.19 on account of provident fund, gratuity, and group

insurance after her husband's death. These amounts are undisputed. Against this, the petitioner's deceased husband's liabilities, including a loan against provident fund, have been adjusted and the net corpus available to the petitioner, has been calculated as ₹15,04,468.05. It may be noted that the same amounts with regard to the dues received by the petitioner have been stated in her application dated 30.12.2023, although the provident fund amount has been mentioned, net of the loan amount. In addition to the aforesaid corpus, the Bank has also noted deposits of ₹35,570/-.

8. Applying an interest rate of 1.25% above the repo rate to the aforesaid corpus and investments, the Bank has arrived at a monthly figure of income of ₹8337.26 and ₹197.11 from these sources. Added to this figure is the sum of ₹21,888/- per month by way of pension and ₹3,000/- per month from the Bank's Employees Welfare Society. The total monthly income of the petitioner has thus been calculated ₹33,422.37.

9. It may be noticed that the figure of pension of ₹21,888/-, taken in the Bank's calculation, is in fact less than the pension figure of ₹22,583/-, mentioned in the petitioner's own application dated 30.12.2023. The fact that she received ₹3000 per month from the Employee's Welfare Society is also admitted in paragraph 8 of the writ petition.

10. As against these figures with regard to the petitioner's family income, her late husband's salary has been mentioned at ₹55,064.43/-, which amounts net of taxes to ₹ 53,953.10/-. As the petitioner's family income exceeds 60% of this amount, the Bank has held her ineligible for compassionate appointment.

11. The submission of Mr. Kumar is that the impugned order refers to both the petitioner's applications for compassionate appointment, made on 11.04.2023 and her revised application made on 30.12.2023, whereas this Court's order dated 02.08.2024 had directed consideration only of the second application. As mentioned above, the facts and computation contained in the impugned order are borne out of the second application itself, and of admitted facts regarding the financial position of the petitioner averred in the writ petition. I do not therefore consider this as a substantive ground for challenge to the impugned order.

12. Mr. Kumar also submits that, alongwith the application dated 30.12.2023, the petitioner had submitted an affidavit stating that she would surrender her pension. The affidavit is only to the effect that the petitioner is willing to withdraw her membership of the Bank's Employees Association, and refund the amount that has accrued to her in the interim. This was clearly intended to apply if the petitioner was granted compassionate appointment, and does not, in my view, affect the Bank's computation.

13. The exercise undertaken by the Bank, as noticed above, is in consonance with the jurisprudence regarding compassionate appointments. The purpose of a scheme for compassionate appointment is to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis. The judgment of the Supreme Court in *State Bank of India v. Somvir Singh*[2], makes it clear that compassionate employment can be granted only in conformity with the applicable scheme of the employer. The Court has emphasised that grant

of compassionate employment is an exception to the general rule that public employment must be offered on merit and be open to all[3].

14. For the aforesaid reasons, I am of the view that there is no illegality, arbitrariness or unreasonableness in the Bank's decision to reject the petitioner's request for compassionate employment, which quite apparently did not fall within the eligibility criteria of the scheme.

15. The writ petition is therefore dismissed, but without any order as to costs.

**PRATEEK JALAN, J**

**FEBRUARY 13, 2025**
*'pv/JM'/*

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[2] (2007) 4 SCC 778.
[3] Haryana State Electricity Board v. Hakim Singh, (1997) 8 SCC 85, para 8.