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

+ W.P.(C) 9629/2017
PAWAN AND ANR

.....Petitioners

Through: Mr. M.K. Bhardwaj, Advocate.

versus

STATE BANK OF INDIA AND ANR

.....Respondents

Through: Mr. Rajiv Kapur, SC with Mr.
Akshit Kapur and Ms. Riya Sood,
Advocates for SBI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

12.02.2025

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1. The petitioners have filed this petition under Article 226 of the Constitution, challenging a Circular of the State Bank of India ["SBI"] dated 11.08.2014, containing its scheme for compassionate appointment.

2. The petitioner No.1- Pawan's father served as a Security Guard in SBI from 1999 until his death due to a heart attack on 01.11.2015, at the age of 53. Pawan, who was then approximately 28 years of age, alongwith his mother [Petitioner No. 2], made several representations for the grant of appointment to Pawan on compassionate grounds. The respondents, however, declined appointment on the ground that its Circular provided for compassionate appointment only in the following exceptional 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

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before reaching the age of 30 years, whichever was latter, leaving a dependent spouse and/or minor children.”

3. In all other cases where an employee died in harness, the Bank offered an *ex-gratia* financial amount to his dependants, but not a compassionate appointment.

4. While declining the request for compassionate appointment on this ground, the Bank offered the Petitioner No. 2 an *ex-gratia* payment in terms of its Circular dated 11.03.2002.

5. Pawan and his family did not accept the *ex-gratia* payment, and instead filed W.P(C) 5552/2017 for grant of compassionate appointment. The Court, by order dated 07.07.2017, permitted the petitioners to withdraw the writ petition with liberty to challenge the *vires* of the Scheme. The present writ petition has been filed pursuant to such liberty.

6. In the course of hearing, keeping in mind the passage of time and the documents placed on record by the respondents, Mr. M.K. Bhardwaj, learned counsel for the petitioners, submits that the petitioners do not wish to press this petition, but submits that the respondents may be directed to make payment of the *ex-gratia* amount.

7. Having regard to the fact that the respondents had offered payment of the *ex-gratia* amount, which was then indicated to be between Rs. 4,00,000/- and Rs. 8,00,000/- immediately upon the death of Pawan's father, the request, in my view, ought to be accepted. I am informed that the scheme for *ex-gratia* payment is still in operation. Although the time for making a request for *ex-gratia* payment has admittedly lapsed, it was not taken because the petitioners were pursuing their remedies in the hope of compassionate appointment. The alternative solace, by way of *ex-*



gratia payment, ought not to be declined only on account of lapse of time, in these circumstances.

8. The writ petition is, therefore, disposed of with the direction that the petitioners and their family members may apply to the respondents for payment of the *ex-gratia* amount, which will be calculated in accordance with SBI's Circular, and paid after compliance of all necessary formalities. The matter be processed by the respondents, and payment be made within a period of eight weeks after the request is received.

PRATEEK JALAN, J

FEBRUARY 12, 2025
SS/JM/