

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3248 of 2024

Md. Qaumar Zama @ Quamru Zama S/o Late Abdul Quadir, Resident of
Mohalla- New Karimganj, Road No.- 5, P.S. Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The General Manager, Central Bank of India Head Office, Chandra Mukhi Narayan Paint, Mumbai.
2. The Regional Manager, Central Bank of India Regional Office, Patna.
3. The Branch Manager, Central Bank of India, A.M. College, Branch, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate Ms. Anju Kumari Sinha, Advocate
For the Respondents	:	Mr. Siddharth Harsh, Advocate Mr. Ajit Kumar Sinha, Advocate Ms. Dilkash Khan, Advocate Mr. Pravin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 20-04-2026 Heard learned counsel for the petitioner and learned
counsel for the respondent-Central Bank of India.

2. The petitioner has filed the instant application for
the following reliefs :-

*“i. For issuance of writ in the nature
of certiorari for quashing of letter dated
25/09/2023 appended with letter dated
04/01/2022 and 31/01/2022 (annexure-12)
whereby and where under compassionate
appointment of petitioner has been denied by
respondent No.02 in violation of order dated
25/08/2023 passed in C.W.J.C No.15757/2022
without considering the direction of this Hon’ble*



court.

ii. For issuance of writ of Mandamus or any other writ or direction to respondent to appoint the petitioner in class III post of the Bank on compassionate basis since his father died while working in service.

iii. For any other appropriate writ or direction to the respondent for which the petitioner is otherwise entitled under law.”

3. The case of the petitioner in brief is that the father of the petitioner who was working as a *Daftary* in the Central Bank of India died in harness on 2.2.2016. The petitioner filed an application on 30.6.2018 for his appointment on compassionate ground.

4. The application of the petitioner having been rejected by order dated 25.9.2023 (Annexure-12) on the ground that the petitioner aged 44 years did not fulfill the eligibility criteria as per the recruitment policy, the instant application has been filed by the petitioner challenging the said order as also praying for a direction to the respondent-Bank to appoint him on compassionate ground.

5. It is submitted by learned counsel for the petitioner that the step-mother of the petitioner had moved this Court in CWJC no.9505 of 2016 wherein the matter ended in a compromise between the family members. The petitioner also



moved this Court in CWJC no.15757 of 2022 which was disposed of by order dated 25.8.2023 with a direction to the respondents to take a decision within the time fixed in the order. Referring to the 'Policy for Appointment on Compassionate Grounds or Payment of Lumpsum Ex-Gratia Amount On Death in Harness of an Employee' brought on record as Annexure-R/1 to the counter affidavit of the Bank, learned counsel for the petitioner submits that the Policy clearly stipulates that the upper age limit can be relaxed whenever found to be necessary. It is further submitted that in case the petitioner is not entitled for compassionate appointment, at least the lumpsum ex-gratia amount be directed to be paid by the Bank to the petitioner.

6. The application is opposed by learned counsel appearing for the Bank. It is submitted that perusal of the Policy would show that the appointment on compassionate ground as also the payment of lumpsum ex-gratia amount on death in harness of an employee are interlinked and any of the two options can be used only when the other conditions of compassionate appointment are complied with. Clause 5 of the Policy which deals with eligibility talks about the applicant being eligible and suitable for post in all respects under the provisions of the relevant recruitment rules and the recruitment



policy provides that the age of the applicant for appointment on the post of Sub-Staff and *Safai Karamchari* should be between 18 and 26 years. The petitioner being much overage, his application was rightly rejected by the order impugned.

7. Having heard learned counsel for the parties and having perused the material on record, it transpires that on the death of his father on 2.2.2016, the petitioner filed his application for appointment on compassionate ground on 30.6.2018. The date of birth of the petitioner being 1.3.1977, the petitioner was over 41 years of age on the date of his application. Perusal of the Policy for Appointment on Compassionate Grounds or Payment of Lumpsum Ex-Gratia Amount would show that the same mentions about eligibility in Clause 5. Clause 5.2 thereof is reproduced herein below for ready reference :-

“5.2 Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions to the relevant Recruitment Rules. Similarly, payment of lumpsum ex-gratia amount can be used only when other conditions of compassionate appointment are fulfilled.”

8. So far as the recruitment policy of the Bank is concerned, a copy of which has been provided by learned



counsel for the Bank and has been taken on record, Chapter IV Clause 4 thereof deals with eligibility criteria and age stipulation and the age stipulated for the post of Sub-Staff for appointment on which post the petitioner has filed his application requires the age of the applicant to be between 18 and 26 years.

9. There being no dispute with respect to the fact that on the date of application the petitioner was over 41 years in age and as such he did not fulfill the age stipulation as per the recruitment policy as required under Clause 5.2 of the Policy for Appointment on Compassionate Grounds or Payment of Lumpsum Ex-Gratia Amount.

10. In view of the facts and circumstances of the case, the Court finds no error in the order of the respondent-Bank in rejecting the application of the petitioner.

11. The application is dismissed.

(Partha Sarthy, J)

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