

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1018 of 2024

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Ram Prakash S/o Late Shree Bhagwan Ram Resident of Village and Post
Sahjauli P.S.- Shahpur, District-Bhojpur (Bihar), Pin Code-802165.

... .. Petitioner/s

Versus

1. The Union of India through Principal Secretary, Finance Departemnt, New Delhi
2. The General Manager, Canara bank, Personal Management Section, Human Resources Wing, Head Office 112, JC Road, Bengaluru, 560002
3. The Senior Manager, Canara Bank, HRM Section, Circle Office-Patna, Luv-Kush Towers, 4th Floor, Exhibition Road, Patna-800001.
4. The Branch Manager, Canara Bank (Earlier Syndicate Bank), Arrah Branch, Arrah, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baban Kumar, Advocate
		Mr. Sanjay Kumar, Advocate
For the UOI	:	Mr. Additional Solicitor General
For the Bank	:	Mr. Rajan Ghoshrave, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-05-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for a
direction to the respondent Bank to allow the application of the
petitioner filed for appointment on compassionate ground on
account of the death of his father who died in harness on
17.12.2019.



3. The case of the petitioner in brief is that on the father of the petitioner who was working in the Syndicate Bank which subsequently merged with the Canara Bank having died in harness on 17.12.2019 leaving behind his widow, one son (the petitioner herein) and two daughters of whom one was unmarried, not having any source of income, the petitioner filed an application for appointment on compassionate ground which came to be rejected by letter dated 4.11.2023 communicated by the Bank to the mother of the petitioner.

4. It is submitted by learned counsel for the petitioner that there is absolutely no consideration of the financial hardship of which the petitioner and his family is facing in the order impugned. It is further submitted that the respondent Bank by way of a counter affidavit has tried to supplement the reason given in the order by mentioning about the death-cum-post retiral dues payable to the father of the petitioner. It is submitted that the order impugned is not sustainable, the same be set aside and a direction be issued for appointment of the petitioner on compassionate ground.

5. The application is opposed by learned counsel appearing for the Bank who referring to the statements made in paragraph nos.9 and 13 of the counter affidavit filed on behalf



of the Bank submits that the family of the petitioner has reasonable income and is thus not entitled for appointment on compassionate ground in terms of the policy of the Bank.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that so far as the order/letter dated 4.11.2023 communicating the decision of the Bank to the mother of the petitioner is concerned, in the opinion of this Court also, the same contains no consideration by the respondent Bank. Paragraph nos.9 and 13 of the counter affidavit referred to by learned counsel for the Bank is reproduced herein below for ready reference:

“9. That on demise of Bhagwan Ram (Father of the Petitioner), the Respondent- Canara Bank had settled all eligible terminal benefits to his legal heirs which are as follows:

<i>S. No.</i>	<i>Terminal Benefits</i>	<i>Amount</i>
<i>1</i>	<i>SPF</i>	<i>Rs. 5,69,606.72/-</i>
<i>2</i>	<i>Gratuity</i>	<i>Rs. 12,17,706/-</i>
<i>3</i>	<i>Additional Gratuity</i>	<i>Rs. 2,74,965/-</i>
<i>4</i>	<i>Death Relief</i>	<i>Rs. 2,75,000/-</i>
<i>5</i>	<i>Leave Encashment</i>	<i>Rs. 6,89,271.60/</i>
<i>6</i>	<i>GSLIS</i>	<i>Rs. 4,35,109/-</i>

13. That while considering the request for compassionate appointment in accordance with the extant scheme of compassionate appointment, the committee



had made a balanced and objective assessment of the financial condition of the family of deceased employee taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned) and all other relevant factors and had observed as follows:

I. The mother of the Petitioner- Smt. Reshmi Devi was getting family pension at the time of considering application amounting to Rs. 43,962/- Per Month for the month of November- 2023 which is now Rs 47962/- Per Month for the month of May- 2025.

II. The Petitioner who was aged about 25 years at the time of death of his father had passed Diploma in Civil Engineering in 2015 and is capable of earning his livelihood.

III. The younger daughter of the deceased employee who was aged about 22 years had completed her B.Sc. and is capable of earning her livelihood.

IV. The elder daughter of the deceased employee is married and staying separately.

V. The dependents of the deceased employee are staying in their own house.

VI. Out of the outstanding



liabilities of Rs.46.60 Lac at the time of death of the employee, Rs.4.00 Lac has been written off as per the Staff Welfare Scheme of the Bank and out of total liability Rs. 7.41 Lac only is outstanding as Housing Loan Liability at present which is to be paid through equal monthly installment (EMI) of Rs. 13,233/-.”

7. However, at the same time, it may be mentioned here that there is absolutely no consideration of the financial condition of the family/dependents of the deceased employee and whether the sources of income available to the family are adequate to meet the needs of the dependents.

8. Having heard learned counsel for the parties and having perused the contents of the petition, in the facts and circumstances of the case, the order/communication impugned dated 4.11.2023 is set aside.

9. The petitioner is directed to file a fresh representation before the Senior Manager, Canara Bank, HRM Section, Circle Office-Patna (respondent no.3) within a period of one month and the said representation will be decided by the respondent concerned keeping in mind the observations made herein above.

10. The representation of the petitioner be decided by



the respondent concerned within a period of two months from the date of its filing and the result thereof be communicated to the petitioner forthwith.

11. The writ application stands disposed off.

(Partha Sarthy, J)

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