

12.03.2026
Court No.25
D/L No.21
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 19948 of 2024

**Pranab Kumar Lala
Versus
Union of India & Ors.**

Mr. Pinaki Dhole
Mr. Rabindra Kr. Pathak
Ms. Srijita Nal

...for the Petitioner

Mr. Shiv Mangal Singh

...for the Bank

1. The petitioner has filed the present writ application praying for setting aside the impugned email of the Assistant General Manager (HRM) dated 23rd November, 2022 wherein the request of the petitioner for appointment of compassionate ground was rejected.
2. The father of petitioner was the employee of the Allahabad Bank and he died on 11th November, 2008. After the death of the father of the petitioner, the mother of the petitioner had made an application for grant of ex gratia payment in terms of the scheme of 2008. Subsequently, the mother has changed her stand instead of ex gratia payment, requested the bank for appoint of the petitioner being the son of the deceased employee on compassionate ground. As the petitioner has changed the stand, accordingly by a communication dated 22nd June, 2009 the bank has

informed the mother of the petitioner that as the mother of the petitioner has changed her stand initially she has asked for the ex gratia payment and subsequently has asked for the compassionate appointment of her son. Accordingly, the bank has requested the mother of the petitioner to file a fresh representation so as to enable the bank to consider the request of the mother of the petitioner. In spite of the opportunity given to the mother in the year 2009, the mother has not made any further representation. All of a sudden, after a period of 9 years, i.e., on 4th August, 2018 the mother has made another application for requesting for grant of ex gratia amount in lieu of the death of her husband. In the mean time on 23rd May, 2022 the mother died. After the death of the mother, the petitioner has made an application for compassionate appointment but in the mean time the Allahabad Bank has merged with the Indian Bank and the Indian Bank has passed the impugned order informing the petitioner that the prevailing compassionate appointment policy guidelines, the payment of ex gratia/compassionate appointment is eligible for the dependents of the deceased employee who have died on or after 5th August, 2014.

3. The main contention of the petitioner in the present writ application is that as per the scheme of 2008, the mother has applied for grant of ex gratia payment and

the representation of the mother was never rejected and the cause of action is continue. After the death of the mother the petitioner being the son of the bank employee has made an application for grant of compassionate appointment. The scheme of 2014 is not applicable as per the impugned notice. The scheme of 2008 is applicable as the father was died on 11th November, 2008 and at the time of death the scheme dated 17th October, 2008 was in force.

4. Learned counsel appearing for the bank submits that initially the mother has filed an application for grant of ex gratia payment and subsequently she made an application for compassionate appointment of her son. Considering both the representations, the bank has given a chance to the mother to file a fresh application whether the mother is interested for the ex gratia payment or the compassionate appointment of her son. The mother has not made any representation for 9 years. After 9 years, i.e., in the year 2018 the mother has made an application for grant of ex gratia payment. After filing of the said representation, the mother has taken any steps further. Unfortunately the mother died on 23rd May, 2022. After the death of the mother, the petitioner has filed the representation on 22nd August, 2022 for grant of compassionate appointment.

5. Learned counsel for the bank submits that 2009 to 2018 the mother has not taken any steps only after the period of 9 years the mother has made an application again changing her stand for grant of ex gratia payment instead of compassionate appointment but the mother has never taken any steps to proceed with the said application. The learned counsel for the bank further submits that the ex gratia relief is not a right. He has relied upon Clause 10 of the scheme of 2008 and submits that as per the said scheme it is the sole discretion of the bank for looking into the financial conditions of the family and in deserving and eligible cases only either the bank can grant ex gratia payment or compassionate appointment.
6. Considered the submission made by the learned counsel for the respective parties and perused the materials on record. This Court finds that the mother was not strict on her stand. At first she has requested for grant of ex gratia payment and subsequently she has prayed for compassion appointment of her son on account of death of her husband. The bank has given the liberty to the mother in the year 2009 itself to clear her stand whether she is intending for ex gratia payment or the compassionate appointment of her son, the mother has not given any reply for 9 years. All of a sudden after 9 years in the year 2018 she again prayed for ex gratia payment. Even after filing of the said

application for grant of ex gratia payment, the mother has not taken any further steps against the bank. In the mean time the Allahabad Bank has merged with the Indian Bank and the scheme of Indian Bank has come into force and as per the scheme of the Indian Bank, the compassionate appointment is eligible for the dependents of the deceased employee who have died on or after 5th August, 2014. In the present case the father of the petitioner died in the November, 2008 and at that point of time scheme of Allahabad Bank of 2008 was in force. Thus the reason in the impugned order is not corrected.

7. Considering the above, this Court finds that during the lifetime the mother had the opportunity to proceed with the request either for grant of ex gratia payment or the compassionate appointment but the mother has not processed the same, only after 9 years she has made an application even she has not taken any steps for grant of ex gratia payment.
8. After the death of mother, the petitioner has made an application in the year 2022 for appointment on compassionate appointment which is totally barred by limitation. Considering the above, this Court did not find any merit in the writ application.
9. Accordingly, WPA 19948 of 2024 is dismissed.
10. There will be, however, no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
12. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)