(2007) 02 CHH CK 0017

In the Chhattisgarh High Court

Case No : Writ Petition No. 6072 of 2005

Ajit Singh Rajput — APPELLANT

Vs

State Bank of India and Others — RESPONDENT

Date of Decision : 27-02-2007

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2007) 3 CGLJ 61

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Advocate : Deepak Jain, for the Appellant; Sanjay K. Agrawal, for the Respondent

Final Decision : Dismissed

Judgement

Satish K. Agnihotri, J.—By this petition, the Petitioner challenges the validity of the order dated 7.3.2005 (Annexure P-4), whereunder, the application of the Petitioner for appointment on compassionate ground was rejected.

2. The indisputable facts, in nutshell, are that the father of the Petitioner, namely, Late Shri Jai Singh Rajput, while working as Home Guard, Neora Branch, State Bank of India, Neora, District-Raipur, died in harness on 3-6-2001 (Annexure P-1).

3. The mother of the Petitioner made an application for appointment of the Petitioner on compassionate basis (Annexure P-3). The State Bank of India-Respondents by communication dated 07-3-2005 (Annexure P-4) informed to the Petitioner that her income was found sufficient to tide over the financial crisis befallen on the family after death of the deceased father.

4. Learned Counsel appearing for the Petitioner submits that the Petitioner being dependent of the deceased father is entitled to compassionate appointment in accordance with scheme for appointment on compassionate ground for dependent of deceased/employee retired on medical ground of the State Bank of

India-Respondents.

5. Clause 10 of the Scheme provides that determining the financial condition of the family is therefore, an important criterion for deciding the proposals for compassionate appointment.

Clause 10 of the Scheme reads as under:

10. Financial Condition of the family-Appointments in the public services are made strictly on the basis of open invitation of applications and merit. However, exceptions are made in favour of dependents of employees dying in harness and leaving their family in penury and without any means of livelihood. Determining the financial condition of the family is therefore, an important criterion for deciding the proposals for compassionate appointment. The following factors should be taken into account for determining the financial condition of the family:

(i) Family pension

(ii) gratuity amount received

(iii) employee ''s/employer''s contribution to Provident Fund

(iv) any compensation paid by the Bank or its Welfare Fund

(v) proceeds of LIC Policies and other investments of the deceased employee

(vi) income of family from other sources

(vii) income of other family members from employment, or other sources

(viii) size of the family and verifiable liabilities, if any.

6. The State Bank of India-Respondents in its reply submitted that the net carry home salary of the deceased father was Rs. 4,306/- per month and family of the deceased/employee from pension and Notional interest on liquid assets is estimated at Rs. 5,398/-. The brief particulars are as under:

Financial parameters

(A) Terminal Benefits - Assets in Rs.

3,25,706

(B) To Bank - Liabilities in Rs.

20,726

(i) PF

2,17,978

(i) Consumer Loan

14,694

(ii) Gratuity

1,07,728

(ii) Vehicle Loan

1,032

(iii) Leaves encashment

-

(iii) Housing Loan

-

(iv) MWS

-

(iv) Festival Advance

5,000

(v) Personal Loan

-

(vi) Other (specify)

-

(i) 80% of net corpus of terminal benefits (Rs. 304980/- (A-B) Rs. 243984)

(A) Investments in Rs.

84,993

(B) Loan against deposits/investments in Rs.

(i) Deposits

?

(i) Overdraft

(ii) NSC?s + Interest

?

(ii) Demand Loans (Specify)

(iii) PPF

?

(iii) Others (Specify)

(iv) Insurance Policies

?

(v) Assistance from Credit Society (if any)

84,993

(vi) Others ULIP

Nil

(II) Net corpus of investments (A-B) Rs. 84,993/-

8.

Net corpus of available funds

Rs. 3,28,977

I. Rs. 2,43,984/-

II. Rs. 84,993/-

9.

Computation of Notional Monthly Income

Rs. 5,378/-

i. Pension + DA 1439 + 1335

Rs. 2,774/-

ii. MWS relief per month

Rs. Nil

iii. Interest max. TDR rate on net corpus of Available funds i.e. (7) @ 9.50% P.A.

Rs. 2,604/-

iv. Income of other employed family members

Rs. Nil

v. Others (Specify)

Rs. Nil

10.

(a) Last drawn gross salary

Rs. 7,827

(b) Last drawn net salary

Rs. 4,306

7. The identical scheme came-up for consideration before the Hon''ble Supreme

Court in the case of State Bank of India and Others Vs. Jaspal Kaur, , the Hon''ble Supreme Court after having considered the scheme and source of income of the Petitioner in that case held in paragraph 27, as under:

27. Hence a major criterion while appointing a person on compassionate grounds should be the financial condition of the family the deceased person left behind. Unless the financial condition is entirely penury, such appointments cannot be made. In the present case the financial condition of the Respondents family is not one of destitution, the Appellants have already paid a sum of Rs. 4,57,607/- as terminal benefits (after deducting Rs, 19,183/- towards liabilities); a sum of Rs. 2055/- p.m. was being paid towards family pension and monthly income under Staff Mutual Welfare Scheme and in addition the total monthly income of the family comes to Rs. 5,855/- (monthly pension of Rs. 2,055/- + Rs. 3,800/- p.m. as notional interest on the investment of Rs. 4,57,607/-). The competent fact finding authority on the basis of the above financial details had arrived at the conclusion that the financial condition of the family is not penurious and that the family earns sufficient income to maintain themselves. Hence appointment on compassionate ground was not granted to the Respondent. We however, do not feel the necessity to interfere with this order of the Bank Authority on the fact situation of this case.

8. In the present case, the authorities based on the facts came to the conclusion that the family earns sufficient income to maintain themselves. Hence, I do not feel the necessity to interfere with this order of the Bank Authority on the fact situation of this case. Thus, the order dated 07-3-2005 needs no interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

9. As a result and for the reasons stated hereinabove, the writ petition is dismissed. No order as to costs.