
(2025) 07 CAL CK 0761
In the Calcutta High Court, Original Side
Case No : WPA No. 9313 Of 2025

Anjali Ganguly

APPELLANT

Vs

Punjab National Bank & Ors

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Citation : (2025) 07 CAL CK 0761

Hon'ble Judges : Aniruddha Roy, J

Bench : Single Bench

Advocate : Nanda Dulal Bhattacharyya, Parna Roy Chowdhury

Final Decision : Allowed

Judgement

Aniruddha Roy, J

1. On the prayer of learned advocate for the petitioner, time to file exception to the report in the form of affidavit stands extended till today. The exception filed in Court, is taken on record. Copy has been served.

2. The writ petitioner is the daughter of one Padma Ganguly since deceased, who died in harness on August 12, 2020. The petitioner through prescribed format on July 1, 2022, annexure p-2 at page-30 to the writ petition has applied for compassionate appointment for herself.

3. The said application shows that the petitioner described herself as a candidate of Class-VIII passed as on that date. The said application yielded no result, as the same was not considered contemporaneously.

4. In such situation, the petitioner second time submitted her application through a prescribed format dated September 2, 2023, annexure p-6 at page-45 to the writ petition, when the petitioner described herself as a Madhyamik passed candidate with the year of passing being 2022.

5. Both the applications were taken up for consideration by the respondent-Bank/

employer, when the Bank by its communication dated October 21, 2024, annexure p-9 at page-71 to the writ petition had rejected the claim for compassionate appointment with the following observation:-

"With reference to your application for Compassionate Appointment and Head Office mail No. HRMD: ECG/N-1691/SS dated 09.10.2024, we would like to inform you that your educational qualification is X standard pass.

In this regard we inform that the employment can be offered in the Clerical or Subordinate cadre, depending upon the qualifications of the candidate. At present the qualification for recruitment is as under:-

Sub-staff: Pass in XII standard or its equivalent with basic reading/writing knowledge of English. For Part Time Sweepers, the applicant should not passed 10th class.

Clerical: Graduate in any discipline or equivalent qualification and working knowledge of operating computer system.

In your application, it is mentioned that you are 10th pass and in the stated position, your applicant does not fulfill any of the above educational qualification criteria and is, therefore, not eligible for compassionate appointment of any post.

In view of the above, the subject case has been closed by the Competent Authority for the time being. You are hereby advised to apply for Compassionate Appointment of other eligible family member or after acquiring requisite educational qualification for any post, which will be considered in terms of the applicable scheme & availability of vacancy. Alternatively, you may submit application for ex-gratia lumpsum amount in lieu of Compassionate Appointment."

6. By another communication dated February 13, 2025, the respondent-Bank/ employer has also given the reasons for rejection for Compassionate Appointment, which were in sync with the reasons shown in the said communication dated October 21, 2024. However, for convenience the reasons are also quoted below:-

" With reference to our earlier letter dated 21.10.2024 & .subsequently your letter dated 13.02.2025, we would like to inform you that the employment can be offered in the Clerical cadre or Subordinate cadre, depending upon the qualification of the candidate. At present the qualification criteria for recruitment is as under:

Sub Staff: Pass in XIIth standard or its equivalent with basic reading/writing knowledge of English. For Part Time Sweeper, the applicant should not passed Xth class.

Clerical: Graduate in any discipline or equivalent qualification and working knowledge of operating computer system.

In your case, your qualification does not fulfil any of the above criteria and is,

therefore, not eligible for Compassionate appointment of any post.

In view of above, you are once again advised to apply for Compassionate appointment of other eligible family members of or re-reply after acquiring requisite educational qualification for any post, which will be considered in terms of then applicable scheme & availability of the vacancy. Alternatively, you may submit application for ex-gratia lumpsum amount in lieu of Compassionate Appointment.

You are therefore re-submit your application to BO: Ranaghat (021820) for Compassionate Appointment/Ex-gratia lumpsum amount as per conditions mentioned above, for initiating the process at our end."

7. The policy for Compassionate Appointment is appended to the petition being annexure p-7 at page-63 to the writ petition.

Submissions:

8. Learned counsel for the petitioner submits that when the first application was submitted by the petitioner on July 1, 2022 showing her qualification as Class-VIII passed and the year of passing being 2005-06, the same should have been considered immediately upon submission of the said application. The same was not considered contemporaneously and was consider on October 21, 2024 and the claim was rejected allegedly on the ground of academic qualification of the petitioner.

9. In addition, on instruction from his client, learned counsel for the petitioner submits that she is agreeable for an appointment taking her qualification to be Class-VIII passed as described in the first application dated July 1, 2022.

10. Ms. Parna Roy Chowdhury, learned advocate appearing for the respondent-Bank referring to various portions from the report in the form of affidavit filed before this Court submits that as on July 1, 2022 when the first application was submitted, the petitioner must have been in Class-IX or X as the second application dated September 2, 2023 shows the petitioner described herself as Madhyamik passed in the year 2022. Since the petitioner has not given her correct academic qualification as on the date of first application, the employer/Bank has rejected the claim for Compassionate Appointment.

11. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that the facts are more or less admitted, as narrated above, with regard to the submission of two applications by the petitioner seeking Compassionate Appointment. On perusal and reading of the relevant policy for Compassionate Appointment, annexure p-7 at page-63, it appears to this Court that, no academic qualification is specifically mentioned for compassionate appointment against the posts available with the Bank. The employee died on August 12, 2020 and the first application was submitted on July 1, 2022, within five years span as prescribed under the said policy.

12. The law is well settled that the moment an application is submitted on July 1, 2022, the employer-Bank should have decided the same and informed the petitioner its fate with reasons immediately thereafter. However, the record shows, the Bank did not do so till October 21, 2024. Had there been the single application being the first one dated July 1, 2022, it was the obligation of the Bank to decide the said application on the basis of the academic qualification mentioned therein and in the light of the existing policy and if the petitioner would have been otherwise found eligible to receive the Compassionate Appointment, such an appointment should immediately have been given to the petitioner.

13. Since no academic qualification is specified under the scheme for Compassionate Appointment, the said application of the petitioner dated July 1, 2022 should have been decided on the basis of the academic qualification mentioned therein by the petitioner immediately upon its submission.

14. The law is well settled that Compassionate Appointment is not a matter of right. However, when there is a policy for such appointment, the policy being a benevolent and welfare policy must be and should be read and construed in a manner as liberal as possible in favour of the beneficiary of such policy. If the policy provides for such an appointment in favour of the beneficiary, the beneficiary if applies for the same and is found otherwise eligible in accordance with law, such an appointment should be extended to such beneficiary.

15. The second rejection dated February 13, 2025 at page-74 to the writ petition shows that the petitioner was granted liberty, inter alia, by the Bank to re-apply.

16. In any event, this Court is of the considered view that the first application of the petitioner dated July 1, 2022 should have been considered by the Bank taking into account the qualification of the petitioner Class-VIII passed as on the date of submission of the said application.

17. In view of the foregoing reasons and discussions, the reasons for rejection of the Compassionate Appointment cited by the Bank in its communication dated October 21, 2024, annexure p-9 at page-71 and February 13, 2025, annexure p-12 at page-74 to the writ petition stands set aside and quashed.

18. In view of the above, the appropriate authority of the respondent-Bank is directed to consider the said application of the petitioner dated July 1, 2022, annexure p-5 at page-30 to the writ petition, taking her qualification to be Class-VIII passed as on July 1, 2022 in accordance with law upon compliance of all the necessary formalities and upon satisfaction of all the legal requirements.

19. The entire exercise shall be carried out and completed by the respondent-Bank through its appropriate authority positively within a period of eight weeks from the date of communication of this order.

20. If otherwise, the petitioner is found to be eligible to receive the Compassionate Appointment in accordance with law, the same shall be provided

to her without any delay and within the said period of eight weeks including by issuing the appointment letter.

21. With the above observations and directions, this Writ Petition, WPA 9313 of 2025 stands allowed.

22. Photostat certified copy of this order, if applied for, be furnished expeditiously.