
(2001) 10 JH CK 0017
In the Jharkhand High Court
Case No : CWJC No. 1389 of 2001

Aruna Sinha and Another

APPELLANT

Vs

State Bank of India and Others

RESPONDENT

Date of Decision : 04-10-2001

Acts Referred:

Citation : (2002) LLJ 2 216 : (2002) 1 BLJ 120 : (2002) 50 BLJR 150

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A.K. Sinha and Ajit Kumar, for the Appellant; Kameshwar Prasad and Rajesh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Petitioners are aggrieved by the orders as contained in letters dated 8.1.1997 and 6.8.1998 issued by the respondents whereby prayer made by the petitioners for appointment of her son on compassionate ground has been rejected.

2. The husband of petitioner No. 1 and father of petitioner No. 2, late B.K. Sinha was in the service of the respondent-State Bank of India, Ranchi as Deputy Manager. He died in service in the years 1996. After the death of the husband of petitioner No. 1, the respondent-bank expressed their sorrow and informed the petitioner that there is provisions for appointment on compassionate ground. Accordingly petitioner applied for appointment of the son of the deceased on compassionate ground. However, the application of the petitioners was rejected on the ground that the terminal benefits and pension should be sufficient to sustain the family.

3. Respondents' case in the counter-affidavit is that petitioners' application for appointment on compassionate ground was considered and it has been found that late B.K. Sinha whose net salary last drawn was Rs. 7918/-. It was further found that his one of the son is employed in Government service and was

earning about Rs. 5,000/-. Petitioners were also paid terminal benefits amounting to Rs. 8,25,482/-. It was also found that the deceased had National Savings Certificate worth Rs. 80,000/- and besides other Immovable property, the widow has been provided family pension at the rate of Rs. 5256/- per month. On these grounds, respondents rejected the application.

4. Mr. Ajit Kumar, learned counsel for the petitioners submitted that when there is provision for giving appointment on compassionate ground then payment of retirement benefits cannot be taken into consideration and on that ground claim of the petitioners could not be rejected. 5. In course of agreement Mr. Kameshwar Prasad, learned senior counsel produced before the Court the scheme framed by the bank in the matter of giving appointment on compassionate ground. The object of the scheme reads as under :

"The object of granting compassionate appointment is to enable the family to tide over the sudden crisis due to the death of the bread winner. The mere death of an employee in harness does not entitle his family to such a livelihood. The object is to offer compassionate appointment only when the Bank is satisfied that the financial condition of the family is such that, but for the provision of employment, the family will not be able to meet the crisis. This will apply mutatis mutandis to the scheme for appointment of dependents of employees who retire on medical grounds. The Government of India guidelines and a judgment by the Hon"ble Supreme Court on the subject are given in Annexure "A" and "B" respectively."

6. The other provisions relating to financial conditions of the family as provided in the scheme which reads as under :

"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 the deceased employee.
- (vi) income for family from other sources.
- (vii) income of other family member from employment or otherwise
- (viii) size of the family and liabilities, if any.

7. As noticed above, the eldest son the deceased is in the Government service and petitioners have received terminal benefits amounting to Rs. 8,25,482/-. The widow of the deceased will also get Rs. 5,256/- per month as family pension. The deceased as also the widow have their fixed investment. Taking consideration all these facts, the claim of the petitioners for appointment on compassionate ground has been rejected. It is well settled that the object of appointment on compassionate ground is to give immediate relief to the member of the family of the deceased. Mere death of the employee does not entitle his family to compassionate appointment. The authority must consider whether family of the deceased is unable to meet the financial crisis. In this connection reference may be made to the decision of the Supreme Court in the case of Umesh Kumar Nagpal Vs. State of Haryana and Others, .

8. Having regard to the facts and circumstances of the case, I do not find any reason to interfere with the decision taken by the respondent-Bank. No relief can be granted to the petitioner. This writ application is accordingly dismissed.

9. Application dismissed.