
(2018) 01 PAT CK 0136

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1289 Of 2016

Dheeraj Kumar

APPELLANT

Vs

Chairman, Uttar Bihar Gramin Bank And Ors

RESPONDENT

Date of Decision : 15-01-2018

Acts Referred:

Citation : (2018) 3 PLJR 984

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Advocate : Prashant Sinha, Ram Binod Singh, Prabhakar Jha, Rajesh Kumar Verma

Final Decision : Disposed Of

Judgement

Heard Mr. Prashant Sinha, learned counsel for the petitioner, Mr. Prabhakar Jha, learned counsel for the Uttar Bihar Gramin Bank and its functionaries, Mr. Rajesh Kumar Verma, learned Central Government counsel for the respondent No.4 and learned counsel for the NABARD are present.

The petitioner is aggrieved by the order dated 18.8.2015 of the Regional Manager, Uttar Bihar Gramin Bank, Chapra whereby the application of the widow of the deceased employee has been rejected.

Facts are not in dispute. The father of the petitioner working as Officer in Scale- I in the Regional Office at Chapra and died in harness on 25.6.2015

within the Bank premises. The family of the deceased employee was provided with the terminal benefits but due to sudden demise of the husband

who was the bread earner for the family that the widow vide her application dated 22.7.2015 at Annexure-3 applied for compassionate appointment of

her elder son who is the petitioner before this Court which has been rejected by the order impugned dated 18.8.2015.

Reliance was placed by the learned petitioner counsel to a coordinate Bench decision of this Court rendered in C.W.J.C.No.10371 of 2012 (Rajesh

Kumar Ram Vs. Uttar Bihar Gramin Bank & Ors.) which was heard analogous with several writ petitions, in support of the claim and to submit that

vide judgment and order present at Annexure-4 dated 21.08.2015 the claim for compassionate appointment of those writ petitioners in similar situation,

was allowed. As taken note of, the claim of the petitioner was rejected vide order impugned dated 18.8.2015 of the Regional Manager, Chapra

impugned at Annexure-5. The Regional Manager while rejecting the request informed the petitioner of the policy decision on compassionate

appointment which was provided in circumstances where the death of the employee took place during the course of dacoity or in terrorist activity or

similar situations or within 5 years of his service or before completion of 30 years, and since the case in hand was not of such nature, the request was

rejected.

Reliance was also placed by learned counsel for the petitioner on a Circular of the Ministry of Finance dated 7.8.2014, a copy of which is at Annexure

6 to submit that the case of the petitioner was covered under the stipulations present at paragraph 1 and since it extended to all Public Sector Banks,

the case of the petitioner would be guided by the Circular.

A counter affidavit is filed and Mr. Jha learned counsel for the petitioner has while making reference to the Division Bench opinion in the case of

Rajesh Kumar Ram (supra) enclosed at Annexure-D to the counter affidavit has submitted that the Division Bench taking note of the entire

circumstances governing the issue has dismissed the Letters Patent Appeal while setting aside the judgment of the Single Judge. He informs that even

the Special Leave Petition preferred by the writ petitioners has been dismissed as withdrawn. As regarding the policy relied upon by the petitioner

enclosed at Annexure-6 he submits that the Regional Rural Banks are governed by the Model Scheme dated 24.8.2006 and which provides for

compassionate appointment only in limited circumstances as discussed in the impugned order at Annexure-5. He submits that since the case of the

petitioner does not fall within the said category, the claim cannot be accepted.

Since the argument of the learned counsel for the petitioner was that the policy decision circulated by the Ministry of Finance would equally cover the

Regional Rural Bank that this Court directed that the Union of India be added as party respondent No.4 along with the National Bank for Agriculture

& Rural Development (hereinafter referred to as 'the NABARD') under whose advisory these Rural Banks are functioning. A counter

affidavit is filed on behalf of the Union of India and paragraphs 4 and 5 of the counter affidavit so filed today puts at rest all speculations advanced by

the learned counsel for the petitioner. While explaining that the respondent Bank is one of the many Regional Rural Banks it is informed that they do

not come under the category of Public Sector Banks. At paragraph 5 the position has been cleared that the circular relied upon by the petitioner is

exclusively meant for the Public Sector Bank.

I have heard learned counsel for the parties and I have perused the records.

Even though heavy reliance has been placed by learned counsel for the petitioner to the Circular of the Ministry of Finance dated 7.8.2014 at

Annexure-6 to submit that it would govern the claim of deceased employee of Regional Rural Bank but in my opinion the argument is fallacious

because neither does the Circular complain any stipulation of being extended to Regional Rural Banks nor does it make any comment of superseding

the circulars earlier issued by the Regional Rural Bank and in which circumstances the specific stand taken by the Uttar Bihar Gramin Bank in their

counter affidavit at paragraphs 6 to 10 read alongside the statement of the Union of India at paragraph 2 and the advisory of the 'NABARD'

dated 29.9.2008 together with the Modified scheme enclosed therewith at Annexure N/1 of the counter affidavit of respondent no. 5 are sufficient to

uphold the rejection order put to challenge. The claim of the petitioner cannot be guided by the Circular of the Ministry of Finance which exclusively

extends to Public Sector Banks. The rejection of the claim of the petitioner by the impugned order dated 18.8.2015 is in conformity of the revised

Model Scheme on compassionate appointment which is in force in the Regional Rural Banks since September 2008 having the approval of the

Ministry of Finance and having been circulated by the Regional Rural Banks as confirmed from the Annexure-R/1 of the counter affidavit of the

Union of India.

Although Mr. Singh, informs that some kind of consultation is going on in between NABARD and the Government of India as for extending

the Circular dated 7.8.2014 to Regional Rural Bank but that in my opinion is a futuristic course. For the present it is the guidelines in force which

would cover the case of the petitioner and the legal position discussed, does not aid the petitioner.

For the reasons discussed, the rejection order impugned at Annexure-5 suffers no infirmity requiring interference.

The writ petition is disposed of.