

(2008) 07 UK CK 0022

In the Uttarakhand High Court

Case No : Writ Petition No. 1203 of 2002 (S/B)

Raj Kumar

APPELLANT

Vs

State Bank of India and Others

RESPONDENT

Date of Decision : 03-07-2008

Acts Referred:

Citation : (2009) 1 UC 601

Hon'ble Judges : P.C.Verma, J

Bench : Single Bench

Advocate : C.K. Sharma, for the Appellant; A.K. Joshi holding Brief of Ashish Joshi, for Respondents Nos. 1 to 3, for the Respondent

Final Decision : Dismissed

Judgement

P.C. Verma, J.—The dispute in this case relates to appointment on compassionate ground. The father of the Petitioner late Sri Devi Prasad was working on the post of Messenger-cum-Driver in the State Bank of India at Haldi Branch, Pant Nagar, District Udham Singh Nagar, who died in harness on 25.8.1999. Wife of the deceased moved an application for appointment of his son Sri Raj Kumar, the Petitioner, on compassionate ground. The request for appointment of the Petitioner on compassionate ground was turned down by the Bank vide its letter dated 4th May, 2000 reiterated by the letter dated 15th January, 2002, Annexure 1 to the writ petition and counter affidavit respectively. The compassionate appointment to the Petitioner has been denied on the ground of blemished service record of the deceased, good financial condition of the family and on being overage of the Petitioner.

2. A perusal of the letter dated 4.5.2000 (Annexure 1 to the writ petition) reveals that the maximum age limit prescribed for appointment on compassionate ground is 28 years. Undisputedly, Petitioner was 31 years old when the application for appointment on compassionate ground was moved. A copy of the Scheme for Appointment on Compassionate Ground for Dependents of Deceased Employees/Employees Retired on Medical Grounds has been filed on the record

by the Petitioner as well as by the Respondent bank. Sub-clause (iv) of Clause (e) of Rule 6 of the said Scheme empowers the Managing Director to relax the upper age limit up to a maximum of five years where no dependent within the prescribed age limit is available for employment. The mother of the Petitioner vide her letter dated 25.7.2001 (Annexure 3 to the writ petition) had informed the bank authorities that the Petitioner was the only suitable candidate for the employment, narrating all the circumstances in the said letter in support of her assertion. It was sufficient reason for the concerned authority to have relaxed the upper age limit.

3. The bank has also inferred that the financial condition of the family of the deceased is good as the monthly interest income of family is Rs. 2450/-. Undisputedly, the father of the Petitioner left behind him four sons, one unmarried daughter and his widow. Therefore, financial condition of the family is not as such as to justify the rejection of compassionate appointment on the basis of monthly income of Rs. 2450/-. This cannot be a ground of rejection. Appointment on compassionate ground under the dying in harness rules is in addition to the amount already paid towards the terminal benefits.

4. For the reasons recorded above, the orders dated 4.5.2000 and 15.1.2002 are hereby quashed. The writ petition is disposed of finally with direction to the Respondent No. 1 to consider the case of appointment of the Petitioner on compassionate ground in the light of the observations made above within a period of two months from the date of production of certified copy of this order.

5. No order to costs.