
(2001) 01 AHC CK 0014
In the Allahabad High Court
Case No : Writ Petition No. 1343 of 1999 (S/S)

Ram Piyarey

APPELLANT

Vs

State Bank of India and Others

RESPONDENT

Date of Decision : 31-01-2001

Acts Referred:

Citation : (2001) 2 UPLBEC 1575

Hon'ble Judges : U.K. Dhaon, J

Bench : Single Bench

Advocate : H.G.S. Parihar, for the Appellant; N.K. Seth, for the Respondent

Final Decision : Allowed

Judgement

U.K. Dhaon, J.—Heard Sri H.G.S. Parihar appearing on behalf of the petitioner and Sri N. K. Seth, learned Counsel appearing on behalf of the opposite parties.

2. The petitioner has approached this Court against the orders dated 17.6.1998 and 10.6.1998 by which the application of the petitioner for appointment on compassionate ground was rejected. The father of the petitioner was Cash Coolie in the State Bank of India at the time of his death. The petitioner submitted an application on the prescribed form for appointment on compassionate ground. The petitioner has alleged in the petition that the family possesses 16 biswas irrigated land and the family of the deceased consists of petitioner, widow of the deceased, four sisters and one brother.

3. Shri H.G.S. Parihar, learned Counsel for the petitioner submits that after receiving the communication that the application has been rejected, a detailed representation was also filed, a copy of which has been annexed as Annexure No. 13 to the writ petition, apprising the fact about the hardships faced by the family of the deceased. He further submits that the grounds mentioned for rejection of the application of the petitioner are not sufficient and the family is in dire need for immediate help as there are two unmarried daughters of the deceased.

4. Sri N.K. Seth, learned Counsel for the opposite parties submits that the widow of the deceased is getting family pension of Rs. 2,150/- per month. It has also been submitted that a sum of Rs. 1.42 Lacs was paid to the widow after deducting the loan amount and the family possess two houses and a half hectare of non-irrigated land. The elder son is self-employed and the petitioner at present is 32 years of age.

5. I have considered the arguments of the learned Counsel for the parties and gone through the record. There is no dispute that the father of the petitioner was in employment of the Bank at the time of death and that the family of the deceased consists of widow, two sons and four daughters, out of which two are unmarried. The opposite parties while rejecting the application for providing employment on compassionate ground failed to consider all these aspects of the matter. The payment of family pension and the dues of the deceased can not be a ground for rejecting the application for appointment on compassionate ground. The petitioner was only 26 years of age when the application for compassionate appointment was moved. The other son is engaged as sailor of boat which is not a permanent job. The impugned order dated 10.6.1998 is legally not sustainable.

6. In the result, the writ petition succeeds and a writ in the nature of certiorari is issued quashing the orders dated 10.6.1998 and 17.6.1998 contained in Annexure Nos. 12 and 11 respectively and a writ in the nature of mandamus is issued directing the opposite parties to give employment to the petitioner on compassionate ground within three months, from the date a certified copy of this order is produced.