
(2007) 09 OHC CK 0022
In the Orissa High Court
Case No : O.J.C. No. 11409 of 2000

Ramesh Singh

APPELLANT

Vs

Punjab National Bank and Another

RESPONDENT

Date of Decision : 18-09-2007

Acts Referred:

Citation : (2008) 1 OLR 281 Supp

Hon'ble Judges : B.P. Das, J;A.K. Samantaray, J

Bench : Division Bench

Advocate : R.K Mohanty, for the Appellant; Biswanath Rath, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the Petitioner as well as the learned Counsel for the opposite parties-Bank.
2. This writ petition has been filed for a direction to the opposite parties to quash Annexure-1, which is a communication dated 27.11.1999 issued by the Regional Office of the Punjab National Bank, Bhubaneswar rejecting the application of the Petitioner for appointment on compassionate ground.
3. The brief facts leading to the present writ petition are as follows.
4. The father of the Petitioner, namely, Shankarshan Singh, while working as a regular employee in the office of the Branch Manager, Punjab National Bank, Buxi Bazar, Cuttack-O.P. 2, died on 14.05.1998 in harness. He was survived by his mother, wife and son, the Petitioner. The Petitioner in the prescribed form applied to O.P. No. 2 for compassionate appointment in the Bank in pursuance of the Scheme introduced by the Bank by its Personnel Division Circular letter No. 6/97 dated 20.3.1997 (Annexure-2) and O.P. No. 2 forwarded the application of the Petitioner to the Regional Manager of the Bank-O.P. No. 1, but ultimately the same was rejected on the ground that the financial condition of the family of the deceased employee was not so indigent as to provide employment to his son and

such rejection was communicated vide the letter dated 27.11.1999 Annexure-1.

5. A counter affidavit has been filed by the opposite parties indicating therein that the Petitioner's financial condition was taken into consideration as per the prevailing Scheme and it was found that the Petitioner was not eligible to get employment on compassionate ground. Learned Counsel for the Petitioner submits that while the Petitioner's case was under consideration, a new scheme was introduced by the Bank by its Personnel Division Circular letter No. 11/99 dated 17.04.1999, vide Annexure-3 and relying upon Annexure-3, the case of the Petitioner was rejected. Our attention is drawn to a decision of the apex Court in the case of State Bank of India v. Somvir Singh AIR 2007 SCW 1571, wherein the apex Court decided that the claim of the applicant shall be considered only in accordance with the Scheme for compassionate appointment. Learned Counsel for the Petitioner submits that Petitioner's case should have been considered in accordance with the Scheme in Annexure-2, which is the old Scheme. The object of the Scheme, as detailed in Clause 2 of Annexure-2, is reproduced below:

The object of the Scheme is to consider compassionate employment to the dependant of an employee dying in harness leaving his family without any means of livelihood. Mere death of an employee in harness would not however, entitle his dependants to such employment. Bank will consider compassionate employment only in such cases where it is satisfied that the financial condition of the family of the deceased employee is such that but for the provision of employment to his dependant, the family will not be able to meet the crisis it faces at the time of death of the said employee.

6. The Bank while making enquiry on the Petitioner's application found that the mother of the Petitioner was getting Rs. 4,289/- per month as family pension and the family got a total sum of Rs. 3,76,000/- towards retirement dues, provident fund as well as benefit on account of premature death. Learned Counsel for the Petitioner submits that the Petitioner's father during his lifetime had incurred hand loans to the tune of Rs. 3.00 lakhs from friends and relatives who are demanding the same, as would appear from the letters written by them to the Petitioner vide Annexure-6 series.

7. So far as the private loans are concerned, the Bank authorities have disbelieved the same. We also cannot rely on the letters basing upon which the Petitioner has stated that the family had incurred some loans.

8. The Bank authorities have duly considered the case of the Petitioner for compassionate appointment and have rejected the prayer opining that the family condition of the Petitioner was not so indigent as to provide employment to him. The decision, according to us, is just and proper and requires no interference.

9. The writ petition is accordingly dismissed.