(2009) 12 AHC CK 0072

In the Allahabad High Court

Smt. Goodmani Devi @ Vitrani Devi — APPELLANT

Vs

Union Bank of India and Others — RESPONDENT

Date of Decision : 08-12-2009

Acts Referred:

Citation : (2009) 12 AHC CK 0072

Hon'ble Judges : Sanjay Misra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sanjay Misra, J.—Heard Sri Vishnu Behari Tewari, learned Counsel for the petitioner and Sri Vivek Ratan, learned Counsel who has accepted notice on behalf of the respondents.

2. The petitioner claims to be the widow of late Ram Autar, who was working as Daftari/peon at Union Bank of India, Kaushalpuri, Branch Kanpur and died in harness on 12.11.1997. The petitioner appears to have made an application for grant of compassionate appointment and when the application was not being decided, she filed a Writ Petition No. 17438 of 2004, wherein the Writ Court by an order dated 16.9.2005 required the respondents to consider the claim of the petitioner.

3. Learned Counsel for the petitioner has submitted that in pursuance thereof the impugned order dated 7.12.2005 has been passed, rejecting the claim of the petitioner on totally untenable ground that financial condition of the family in view of the benefits given to her by the Bank does not entitled her to be granted compassionate appointment. Learned Counsel for the petitioner has placed reliance upon a judgement of the Hon''ble Supreme Court in the case of Govind Prakash Verma v. Life Insurance Corporation of India and Ors. reported in (2005) 10 SCC 289 and states that benefit received by the members of the family of the deceased employee cannot be a ground for rejecting an applicant for compassionate appointment since the same would be over and above the benefit

received by the family. He has also placed reliance upon a decision of the Hon''ble Supreme Court in the case of Balbir Kaur and Anr. v. Steel Authority of India Ltd. and Ors. reported in AIR 2000 SC 1596 to say that the claim of compassionate appointment cannot be negatived on the ground of introduction of a scheme assuring regular monthly income to a disabled employee or dependents of the deceased employee.

4. Sri Vivek Ratan, who has appeared on behalf of the respondents has placed reliance on a decision of the Hon''ble Supreme Court in the case of Punjab National Bank and Others Vs. Ashwini Kumar Taneja, to state that under the Scheme of the Bank it does not entitle an applicant to claim compassionate appointment as a matter of right. He has also relied upon a decision of the Hon''ble Supreme Court in the case of Union Bank of India and Others Vs. M.T. Latheesh, and states that the claim for compassionate appointment required the financial condition of the family to be examined in accordance with the norms specified therein, then if the same is found not to entitle grant of compassionate appointment, the same can be legitimately refused.

5. Having considered the submission of learned Counsel for the parties and perused the record, the decision cited by learned Counsel for the petitioner in the case of Govind Prakash Verma (supra) relates to the Life Insurance Corporation of India, who have got their own scheme of compassionate appointment and the Hon''ble Supreme Court clearly found that the benefit received by the members of the family is not a condition for refusing compassionate appointment.

6. In the case of Balbir Kaur (supra) it was found that the deceased employee was working in the Steel Authority of India and the family benefit scheme framed thereby was applicable.

7. In the present case the scheme framed by the Union Bank of India is to be considered while considering the case of the petitioner and the Hon''ble Supreme Court considered the same in the case of M.T. Latheesh (supra), where the Union Bank of India scheme for appointment of dependents of the deceased employee on compassionate grounds 1997 was considered wherein Clause 4 provided for consideration of the financial benefits received by the family after the death of the employee and the financial condition of the family to be a governing factor in consideration for compassionate appointment.

8. Therefore, when the scheme of the Union Bank of India is the source of any claim of the petitioner he is governed by the provision therein and it is not a case that the petitioner has assailed the said scheme as being violative of any constitutional provision. Therefore, the claim has to be considered under the scheme 1997 of the Union Bank of India, wherein Clause 4 is quite clear and the impugned order has been passed in accordance with the Clause 4 of the Scheme by holding that the financial condition of the family upon receiving the benefit of the deceased employee, does not entitle for compassionate appointment.

9. Under such circumstances, the Scheme of the Life Insurance Corporation of

India or the Steel Authority of India Ltd. or Scheme of any other Authority cannot be imported into the Scheme of the Union Bank of India, where from the claim has been made in the present writ petition.

10. For the aforesaid reason, there is no error in the impugned order. The writ petition has no merit and it is accordingly dismissed.

11. No order is passed as to costs.

