

(2013) 03 AHC CK 0218
In the Allahabad High Court
Case No : Writ-A No. 21322 of 2006

Smt. Lakshmina Devi

APPELLANT

Vs

Union Bank of India and Others

RESPONDENT

Date of Decision : 12-03-2013

Acts Referred:

Citation : (2013) 137 FLR 777

Hon'ble Judges : B. Amit Sthalekar, J

Bench : Single Bench

Advocate : Sudhanshu Pandey, for the Appellant; Vivek Ratan, for the Respondent

Final Decision : Dismissed

Judgement

B. Amit Sthalekar, J.—In this writ petition the petitioner is seeking quashing of the order dated 3.12.2002 (Annexure-4 to the writ petition). However, when the case was taken up, learned Counsel for the petitioner Sri Sudhanshu Pandey stated that he does not want to press the relief's with regard to the order dated 3.12.2002 and he would only be pressing the relief's in respect of the order dated 12.4.2013 so far as the denial of one time lumpsum financial assistance in lieu of compassionate appointment is concerned. I have heard Sri Sudhanshu Pandey, learned Counsel for the petitioner and Sri Vivek Ratan, learned Counsel for the respondent-Bank.

2. This writ petition has been filed by Smt. Lakshmina Devi widow of late Aklu Das challenging the orders dated 3.12.2002 and 12.4.2003 (Annexure-4 and 6 to the writ petition respectively). Late Aklu Das was working as Peon in the respondent Bank at Geeta Vatika Branch, Gorakhpur and died on 11.11.2000 while still in service. He left behind his widow Lakshmina Devi, son Babu Ram and three married daughters. Late Smt. Lakshmina Devi filed this writ petition challenging the impugned order dated 3.12.2002 by which a claim for compassionate appointment had been rejected and by the second order dated 12.4.2003 whereby her claim for compassionate appointment as well as one time

lumpsum amount in lieu of compassionate appointment was rejected. The case of the petitioner was that a Scheme had been formulated by the Bank known as the Scheme for Payment of Relief to the Widow of Deceased Employee (hereinafter referred to as the "Scheme") under which financial assistance to the maximum of Rs. 50,000/- was payable to the widow of the deceased employee to overcome immediate financial distress and penury in the event of the death of the husband who was the only bread winner of the family in case where a compassionate appointment could not be granted to the widow. During the pendency of the writ petition Smt. Lakshmina Devi died and was substituted by her son Babu Ram.

3. Sri Vivek Ratan, learned Counsel for the respondents points out that Babu Ram who has now been substituted in place of late Smt. Lakshmina Devi is already employed in the Bank even at the time of filing of the writ petition and now he is the writ petitioner. This fact has not been disputed by Sri Sudhanshu Pandey, learned Counsel for the petitioner.

4. Sri Vivek Ratan further submits that the Scheme provided for payment of one time lumpsum amount in lieu of grant of compassionate appointment only in those cases where the family of the deceased employee is in indigent circumstances or facing financial distress or penury. Babu Ram was already employed in the same Respondent Bank when the writ petition was filed and therefore, it cannot be said that the family was in indigent circumstances or facing financial distress or penury.

5. Sri Vivek Ratan further drew attention of the Court to the averments made in para 15 of the counter affidavit and stated that the net amount of terminal benefits paid to the widow of the deceased Aklu Das, namely, late Smt. Lakshmina Devi was Rs. 3,21,084.48/- and therefore the widow cannot be said to be in financial distress and therefore even she was not entitled to financial assistance under the Scheme.

Considering the submissions of the learned Counsel for the parties and on perusal of the documents on record, it is seen that Babu Ram, the petitioner substituted in place of late Smt. Lakshmina Devi, was already employed in the respondent-Bank at the time of filing of the writ petition. The widow late Lakshmina Devi has also received financial assistance of Rs. 3,21,084.48/- by way of terminal benefits of late Aklu Das. In the circumstances, the petitioner Babu Ram cannot be said to be an indigent or suffering financial distress or penury.

Therefore for reasons aforesaid, the writ petition fails and is accordingly dismissed