(2007) 06 KAR CK 0059

In the Karnataka High Court

Case No : Writ Petition No. 22352 of 2005

Suttakoti V. (Smt.) APPELLANT

Vs

Chief Manager, Syndicate Bank and Others RESPONDENT

Date of Decision : 26-06-2007

Acts Referred:

Citation : (2008) 1 LLJ 232

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : Varaprasad and A. Satyanarayana, for the Appellant; Radhesh Prabhu, for Tukaram S. Pai, for the Respondent

Judgement

D.V. Shylendra Kumar, J.—Petitioner is a person who is aggrieved by the action of the respondent-Syndicate Bank, wherein her husband had been employed and who died while in service, in not providing her the benefit of appointment on compassionate basis.

Notices have been issued to the respondents and they have entered appeared and are represented by counsel. Statement of objections has also been filed on behalf of the respondents.

2. Submission of Sri Radhesh Prabhu, learned Counsel for the respondents is that as of now the bank does not have a scheme for appointment on compassionate basis in a situation where the employees died in harness but on the other hand, the bank has formulated a new scheme which is a scheme formulated in common with all other nationalized bank, under: which effort is made to ensure that penury condition which affects the family of the deceased employee is avoided; that the scheme is in operation in terms of the Circular No. 042-2006-BC-GRD dated February 13, 2006, which is known as scheme for payment of lump sum ex gratia in lieu of appointment on compassionate grounds to the dependant of employee dying in service; that in accordance with the scheme, the respondent-bank had worked out the entitlement of the petitioner; that it has been found

that as part of the terminal benefits, the petitioner will be receiving a total sum of Rs. 1,91,535.88, which includes an LIC coverage payment of Rs. 1,16,000/-, PL encashment of Rs. 3,119.88, employees provident fund of Rs. 17,646/-, additional gratuity of Rs. 27,153/- with a like sum of gratuity, and on such payment, which has actually been paid or distributed to the legal heir of the deceased employee i.e. the petitioner herein, the notional monthly income is worked out at Rs. 1,698.78 and to this sum, 60% of the last drawn salary is added, which is at Rs. 2,000.32 and this sum when capitalized worked out to a total sum of Rs. 4,64,074, which is worked out as entitlement of the family under the present scheme in addition to the amount of Rs. 1,91,535.88 already released.

3. Learned Counsel for the respondents submits that the statement of objections does in fact indicate that the amount of Rs. 1,91,535.88 has already been paid and a further sum of Rs. 4,64,074. has been sanctioned and will be released in favour of the petitioner on the petitioner producing commensurate entitlement certificate etc.

4. Submission that in view of such lump sum settlement, the penury condition is the petitioner is avoided that in fact the present position of the petitioner is much more comfortable than what would have been the position when her husband was himself alive, as the take home salary of the husband of the petitioner at the time of his death was Rs. 3,363.86, whereas the notional income on the net entitlement works out to Rs. 5,556/- and therefore in terms of the scheme, the petitioner cannot even plead that she is suffering from penury condition and seek for appointment on compassionate basis.

5. If the bank does not have a scheme for appointment on compassionate basis, there is no question of this Court directing the bank to provide appointment on compassionate basis to any person. If there is a scheme providing for appointment on compassionate basis, perhaps the examination will be as to whether the employer is adhering to the scheme in letter and spirit. When the scheme for appointment on compassionate basis no more exists in the bank, the question does not arise.

6. On the other hand, only scrutiny perhaps can be as to whether the employer being a nationalized bank, akin to ''State'', is 5 adhering to the existing scheme referred to above in the matter-of settlement and working of the scheme in a proper manner. On the basis of the statement filed on behalf of the respondents and the submission made on its behalf, this Court is satisfied that the bank has adhered to the scheme as it exists at the present juncture; that the scheme does ensure avoiding penury condition and recording the submission and notings in the statement, this writ petition is disposed of, without issuing Rule, as nothing further is required to be done.

