

(2005) 08 AHC CK 0244

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 50995 of 2004

Vijay Singh

APPELLANT

Vs

Rani Laxmi Bai Kshetriya Grameen Bank

RESPONDENT

Date of Decision : 23-08-2005

Acts Referred:

Citation : (2006) 1 AWC 199 : (2006) 107 FLR 748

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : Ram Kumar Nigam and S.M. Ali, for the Appellant; Nripendra Mishra, for the Respondent

Final Decision : Allowed

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. The facts of the writ petition are that the father of the petitioner, i.e., Sri Man Mohan Singh died in harness on 8.9.2003 from the post of Driver-cum-Messenger in the Grameen Bank at Babina under the respondents. The petitioner submitted an application dated 18.10.2003 for his appointment on compassionate ground. The application of the petitioner was rejected vide order dated 17.9.2004 on the ground that his father was removed from service on 20.6.2001 and that the petitioner is over age for appointment.

3. From Annexure 3 to the writ petition which is salary slip of deceased father of the petitioner for the month of February 2003 payable on 25.2.2003 or thereafter it appears that the father of the petitioner was in service and after deduction was drawing a net-salary of Rs. 4247/-. From annexure 4 to the writ petition which is death certificate issued by the State Government it appears that the father of the petitioner died on 29.7.1989. Annexure 9 to the writ petition is Transfer Certificate issued by the Principal of Christian Inter College, Jhansi in which the date of birth of the petitioner is shown as 23.1.1975. From the order/letter dated 17.9.2004 rejecting the application of the petitioner for his compassionate

appointment it is apparent that wrong facts have been mentioned therein, inter alia, that the deceased Man Mohan Singh, father of the petitioner, was working as Driver-cum-Messenger in the Bank and that the petitioner was over age. From the perusal of Annexure 8 to the writ petition, it appears that the father of the petitioner was given "a minor punishment of stoppage of two increments for a period of two years for remaining absent without proper sanction.

4. Compassionate appointment is provided for immediate assistance to the family of the deceased employee in distress. Stoppage of two increments for two years was awarded to the father of the petitioner and cannot be held to be a disqualification or impediment for appointment of the petitioner under the dying in harness rules. Further according to the date of birth given in the transfer certificate of the petitioner, the petitioner was not over age and even if he was over age it is no bar for appointment on compassionate grounds.

5. For the reasons stated above the petition is allowed and the impugned order dated 17.9.2004 rejecting the application of the petitioner for appointment on compassionate grounds is quashed. The matter is remanded back to the authority concerned for a fresh and reasoned order in accordance with law within a period of two months from the date of production certified copy of this order.