IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20818 of 2018

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Rahul Kumar Singh Son of Late Tarkeshwar Singh @ Talkeshwar Singh, Vill-Bhagwatpur, P.O-Jalpoora, P.S.- Chandi, District- Bhojpur-802161, Bihar.

... ... Petitioner/s

Versus

1. The State Bank of India, Patna through the General manager, Local Head Office, Patna-800001, Bihar.
2. The Regional Manager, State Bank of India, Patna-800001, Bihar.
3. The Branch Manager, State Bank of India, Anisabad, Patna-800002, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate Mrs. Prakritita Sharma, Advocate Mr. Sriram Krishna, Advocate
For the Respondent/s	:	Mr. Anjani Kumar Mishra, Advocate Mr. Ambarish Bhardwaj, Advocate Mr. Sanjeev Kumar, Advocate Mr. Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-11-2025

Heard learned counsel for the petitioner and learned counsel for the respondents State Bank of India (herein after referred to as 'the Bank').

2. The petitioner has filed the instant application for a direction to the respondents to appoint the petitioner on the post of messenger (*sandesh wahak*) on compassionate ground on account of the death of his father who died in harness on 12.5.2003. Further prayer is made for directing the respondents to pay an *ex-gratia* amount on account of the death of petitioner's father, to restart the petitioner's family pension

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which was being paid to him till January, 2018 and for all other reliefs to which the petitioner is found entitled.

3. The relevant facts in brief are that the father of the petitioner who was working on the post of a messenger (*sandesh wahak*) in the Anisabad Branch of the Bank died on 12.5.2003 while in service. The mother of the petitioner having predeceased his father, on attaining majority on 6.8.2011, the petitioner filed an application for appointment on compassionate ground on 14.8.2012. Not having received any response nor any relief from the respondents, the petitioner followed up his earlier applications by further representations including the last on 26.6.2018. The petitioner not having received any positive response from the respondent Bank moved this Court by filing the instant writ application seeking the relief as stated herein above.

4. It is submitted by learned counsel appearing for the petitioner that from the contents of the counter affidavit, it transpired that the application for appointment on compassionate ground filed by the petitioner was rejected by the Bank sometime in the year 2018 on the ground that the scheme of compassionate appointment had been withdrawn by the Bank with effect from 4.8.2005. It is further stated that subsequently

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by circular dated 13.5.2011, the Bank once again came up with a new scheme for appointment on compassionate ground in exceptional cases. However, even therein, the same was not applicable in case of employees whose death had occurred prior to 4.8.2005. Learned counsel submits that there being a scheme for compassionate appointment of the Bank at the time of death of his father in the year 2003, his application should have been considered in the right perspective. The order rejecting his application be set aside and he be appointed on compassionate ground.

5. Learned counsel for the petitioner further submits that the Bank had also come out with the scheme for payment of *ex-gratia* lump sum amount in lieu of appointment on compassionate grounds in the Bank. Though the petitioner had made an application for payment of the said amount as an alternative, his application was not considered for the reasons as communicated by the Bank in their letter dated 15.12.2018, according to which the petitioner was asked to furnish further certificates/documents as mentioned in the said letter. It is submitted that the Bank be directed to consider the application of the petitioner for *ex-gratia* payment.

6. Learned counsel for the petitioner lastly

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submitted that as per the scheme of the Bank, he was getting family pension till January, 2018. The amount had to be paid till the petitioner attained the age of 25 years. However, the petitioner has not been paid the family pension for the period from February, 2018 to July 2018 which the Bank be directed to pay to the petitioner within a time fixed.

7. The application is opposed by learned counsel appearing for the Bank who submits that the father of the petitioner having died in the year 2003, the application for appointment on compassionate ground was filed by the petitioner for the first time in the year 2012. Besides the reasons mentioned in the order rejecting the application filed by the petitioner, the instant application is fit to be rejected also on the ground of delay and laches. With respect to payment of the *ex-gratia* amount, it is submitted that the application could not be processed nor considered by the Bank in absence of the required papers as detailed in the letter dated 15.12.2018.

8. So far as the arrears of family pension from February to July, 2018 is concerned, learned counsel for the Bank referring to the statement made in the counter affidavit submits that the Bank has already informed the petitioner by letter dated 8.1.2019 (Annexure-R/3) to submit life certificate,

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on submission of which the arrears of family pension will be paid. Learned counsel for the Bank submits that in view of the facts of the case, there is no merit in the instant application and the same be dismissed.

9. Heard learned counsel for the parties and perused the material on record.

10. The relevant facts in brief are that the father of the petitioner who was in employment of the Bank having died on 12.5.2003 when the petitioner was still a nine year old minor, on attaining majority, the petitioner filed an application for appointment on compassionate ground for the first time on 14.8.2012. The same was followed by another application in the year 2018.

11. The application of the petitioner was rejected in the year 2018 on the ground that the Bank had discontinued with the scheme for compassionate appointment with effect from 4.8.2005.

12. So far as the contention of learned counsel for the petitioner that the respondents should have considered his application in terms of the scheme for compassionate appointment prevalent in the Bank on the date of death of his father in the year 2003, it may be observed here that the

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application for compassionate appointment was filed by the petitioner for the first time more than nine years after the death of his father. It would be relevant to refer to the judgment of the Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana and Ors.; (1994) 4 SCC 138***, wherein the Hon'ble Supreme Court held that the object of granting compassionate appointment was to enable the family of the deceased employee dying in harness to overcome the financial crisis in which they have been left as a result of the death of the sole bread-earner. Relevant part of the judgment is quoted herein below for ready reference:

> "*As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness*

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and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over

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the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned."

(Emphasis supplied)

13. So far as the facts of the instant case is concerned, the father of the petitioner having died in the year 2003 and the family having been able to tide over the financial crisis for a considerable period, first application by the petitioner having been filed in the year 2012 and the petitioner moving this Court by filing the instant application in the year

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2018, in the opinion of the Court, the petitioner has not made out a case for appointment on compassionate ground and the relief so far as direction to the respondents to appoint the petitioner on compassionate ground is concerned is fit to be rejected.

14. So far as the application filed by the petitioner for payment of *ex-gratia* amount is concerned, the petitioner having received the letter dated 15.12.2018 for furnishing further documents, in view of the fact that the said letter was received during pendency of the instant writ application, it is directed that the petitioner will supply all required documents to the Bank within a period of six weeks. Thereafter, the respondent Bank will decide the application of the petitioner for *ex-gratia* payment within a period of three months. The amount found payable to the petitioner shall be paid within the aforesaid period and in case the amount is not found payable, a reasoned order shall be communicated to the petitioner within the aforesaid period.

15. So far as payment of the arrears of family pension from February, 2018 to July, 2018 is concerned, the petitioner pursuing the instant writ application, the same shall be paid to the petitioner without the requirement of his furnishing

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any life certificate for the said period, within a period of three months from the date of receipt/production of a copy of this order.

16. The application stands disposed off with the above observations and directions.

(Partha Sarthy, J)

sauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	NA

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