

**IN THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH AT
JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE**

&

HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV

ON THE 8th OF FEBRUARY, 2022

WRIT APPEAL No. 944 of 2021

Between:-

**SMT. KALAWATI CHAUDHARY W/O LATE SHRI
SAUKHILAL CHOUDHARY, AGED ABOUT 58
YEARS, OCCUPATION HOUSEWIFE, R/O
VILLAGE MADHAV GARH, DISTRICT SATNA
(M.P.)**

.....APPELLANT

(BY SHRI RAJESH KUMAR TIWARI, ADVOCATE)

AND

- 1. UNION BANK OF INDIA, THROUGH THE
GENERAL MANAGER, OFFICE MUMBAI,
MAHARASHTRA**
- 2. CHIEF MANAGER (H.R.), UNION BANK OF INDIA,
1513/1, HOSHANGABAD ROAD, ARERA HILLS,
MAHARANA PRATAP NAGAR, BHOPAL (M.P.)**
- 3. REGIONAL MANAGER, UNION BANK OF INDIA,
REGIONAL OFFICE, SIRMOUR CHOURAHA,
DISTRICT REWA (M.P.)**
- 4. BRANCH MANAGER, CHRIST JYOTI SCHOOL,
BRANCH SATNA (M.P.)**

.....RESPONDENTS

(Heard through Video Conferencing)

*This appeal coming on for admission this day, Hon'ble Shri Justice
Purushaindra Kumar Kaurav, passed the following:*

ORDER

This *intra* Court appeal takes exception to order dated 24.09.2021, passed by the learned Single Judge in Writ Petition No. 18402 of 2021, whereby the writ petition filed by the appellant/writ petitioner has been dismissed.

2. The husband of the petitioner namely Saukhilal Chaudhary died in harness on 05.09.2013. During the said period he was posted as Head Cashier-II cum Clerk in Union Bank of India, Branch Christ Jyoti school, Satna under Rewa Region. The petitioner made an application in prescribed form on 11.07.2014 for grant of compassionate appointment. A sum of Rs.7 Lacs was deposited by the respondent Bank into the account of the petitioner as *ex-gratia* amount on 11.07.2014. She claims to have made another application on 11.07.2014 for grant of compassionate appointment to her son. Since no decision was taken, therefore, she filed Writ Petition No.14885 of 2015, which was decided by this Court on 08.07.2021 giving directions to the respondent Bank to consider and decide the representation of the petitioner for compassionate appointment in accordance with law. Pursuant to the said directions, vide order dated 28.07.2021, the respondent Bank found that the petitioner is not entitled for compassionate appointment. Hence, the writ petition was filed. The learned Single Judge did not find any substance and has dismissed the same, therefore, the instant appeal is preferred.

3. We have heard the learned counsel for the appellant and perused the record.

4. We find that after the death of the husband of the petitioner in the year 2013, an application for grant of *ex-gratia* in lieu of compassionate appointment was made by the petitioner. At the relevant point of time, policy dated 08.09.2007 of the respondent Bank was applicable and in accordance with the policy, the petitioner was found to be entitled for *ex-gratia* amount of Rs.7 Lacs in lieu of compassionate appointment. Accordingly, on 11.07.2014 the petitioner availed the said amount and she

has furnished an affidavit that she would have no claim for compassionate appointment in future.

5. The respondent Bank has specifically stated that no application for compassionate appointment of her son dated 10.02.2014 was received by the bank.

6. The case of the petitioner was considered as per the policy applicable at the time of death of her husband. The compassionate appointment cannot be claimed as a matter of right as it is not a vested right and the policy prevailing at the time of death of the deceased is relevant as has been recently held by Hon'ble Supreme Court in the case of **The State of Madhya Pradesh and others Vs. Ashish Awasthi**¹. The Hon'ble Supreme Court in the matter of **Central Coalfields Limited through its Chairman and Managing Director and Others Vs. Parden Oraon**² has held that the compassionate appointment cannot be granted after a lapse of long period. The object of compassionate appointment is to enable the family of the deceased to get over the financial crises at the time of death of the sole bread winner.

7. In the instant case, we do not find any justification to interfere at this stage when admittedly the petitioner has availed *ex- gratia* compensation of Rs.7 Lacs in lieu of the compassionate appointment. The submission of the petitioner that she is ready to refund the said amount, cannot be accepted at this stage in the absence of any such provision under the policy. Hence, we decline to interfere into the order passed by the learned Single Judge.

8. Accordingly, the writ appeal is dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(PURUSHAINDR KUMAR KAURAV)
JUDGE

pp.

1 2021 SCC Online SC 1084

2 2021 SCC Online SC 299 / AIR 2021 SC 1876