

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 13090/2015

Shanti Devi W/o Late Sh. Sampat Lal Sharma, aged 44 yrs.,
Resident of Village Setrawa, Tehsil Shergarh, District Jodhpur.
(Rajasthan)

-----Petitioner

Versus

1. UCO bank through the General Manager (HRM), Head Office-
2, Human Resource Management Department, 3 & 4, DD Block
Sector-I, Salt Lake, Kolkata-700 064.
2. The Manager, UCO Bank, Branch Office, Setrawa (0976),
Shergarh, District Jodhpur (Rajasthan).

-----Respondent

For Petitioner(s)	:	Mr. Hitesh Jangid
For Respondent(s)	:	-

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

By way of filing the present writ petition, the petitioner has
prayed for the following reliefs:-

*"It is, therefore, respectfully prayed that record of the
case may be called for an by an appropriate writ, order or
direction:*

- (i) The impugned order dated 2.1.2015 (Anx.6) may kindly
be quashed and set aside and the respondents may kindly
be directed to grant the benefit of the Ex-gratia payment to
the petitioner, with all consequential benefits as per scheme.*
- (ii) Any other relief to which the petitioner is entitled, may
be granted in his favour.*
- (iii) The writ petition my be allowed with costs."*

2. Having heard learned counsel for the petitioner and upon
perusal of the material available on record, this Court finds that
the petitioner's husband, namely Shri Sampat Lal Sharma, was
working as a Daftary (EMP No. 399912) with the respondent-

Union Bank. Unfortunately, Shri Sampat Lal Sharma died while in service on 22.02.2013, leaving behind his wife, i.e., the present petitioner, and three daughters, namely Rekha, Manisha, and Banti. After the death of the sole breadwinner of the family, the petitioner submitted an application seeking compassionate appointment in favour of her adopted son, namely Shri Omprakash, who is also her son-in-law.

3. The application seeking compassionate appointment submitted by the petitioner came to be rejected vide letter/communication dated 24.01.2014 (Annex.P/3) on the ground that there was no provision for considering a son-in-law as a dependent and further that no registered adoption deed had been produced to substantiate the claim that he was the adopted son of the petitioner.

4. The record of the case further reveals that, after rejection of the application seeking compassionate appointment in favour of Omprakash, the petitioner submitted a request letter dated 02.09.2014 (Annex.P/4) before the bank authorities seeking Ex-gratia payment as per the provisions of the "Revised Scheme for Payment of Ex-gratia Amount in lieu of Appointment on Compassionate Grounds and Appointment of Dependents of Deceased Employees on Compassionate Grounds." However, the said application for Ex-gratia payment also came to be rejected vide letter/communication dated 02.01.2015 on the ground that the application had been submitted after one year and six months from the date of death of the employee, which was beyond the prescribed period of six months for filing such an application.

5. No one has appeared on behalf of the respondents.

6. Upon careful perusal of the record, this Court finds that admittedly the petitioner's husband died while in service, leaving behind four family members. After the death of the sole breadwinner of the family, namely Shri Sampat Lal Sharma, the petitioner, with no objection from the other family members, initially requested the respondents to grant compassionate appointment in favour of her son-in-law, Omprakash. However, the said request came to be rejected vide letter/communication dated 24.01.2014. Thereafter, the petitioner submitted an application seeking Ex-gratia payment in terms of the revised scheme for payment of Ex-gratia amount in lieu of compassionate appointment.

7. The object of the scheme for payment of Ex-gratia amount in lieu of appointment on compassionate grounds, as reflected in the circular issued by the respondent bank dated 07.11.2007 (Annex.P/5), is to provide relief to the family of a deceased employee so as to enable them to tide over the sudden financial crisis caused by the premature death of the employee. The relief contemplated under the scheme is intended to provide immediate succour and financial assistance to the bereaved family to help them recover from the unexpected loss of the sole source of income, while also balancing the business objectives of the bank with its social obligations towards the families of employees dying in harness.

8. This Court further finds that the petitioner does not suffer from any disqualification as contemplated under Clause 3 of the scheme for payment of Ex-gratia amount in lieu of compassionate appointment. It is true that the petitioner could not apply for Ex-

gratia payment within six months from the death of her husband; however, *prima facie*, the delay occurred because the application seeking compassionate appointment in favour of Omprakash was pending consideration before the respondents. It would amount to a travesty of justice if the family of a deceased employee is deprived of both compassionate appointment as well as Ex-gratia payment merely on technical grounds, despite the petitioner not suffering from any ineligibility under Clause 3 of the scheme. It is also noteworthy that the petitioner, having three daughters, was continuously pursuing her claim for compassionate appointment and thereafter for payment of Ex-gratia amount before the respondent bank. The respondents were expected to consider the claim for Ex-gratia payment in an objective and pragmatic manner, and a bona fide delay in filing the application ought not to have been made the sole ground for its rejection.

9. In view of the aforesaid discussion, the present writ petition is allowed and the impugned letter/communication dated 02.01.2015 (Annex.P/6), whereby the petitioner's claim for Ex-gratia payment on compassionate grounds was rejected solely on account of delay in filing the application, deserves to be and is hereby quashed and set aside. The competent authority of the respondent-UCO Bank is directed to reconsider the petitioner's claim for payment of Ex-gratia amount in accordance with the provisions of the "Revised Scheme for Payment of Ex-gratia Amount in lieu of Appointment on Compassionate Grounds and Appointment of Dependents of Deceased Employees on Compassionate Grounds" dated 07.11.2007, on its own merits and in accordance with law. The aforesaid exercise shall be completed

within a period of 60 days from the date of receipt of a certified copy of this order.

10. The stay petition and all pending applications, if any, also stand disposed of.

(KULDEEP MATHUR),J

300-divya/-