

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5025/2021

Vibhorgolash S/o Late Sh. Vishwaroop Golash, Aged About 26 Years, R/o 31, Vinayak Vihar-A, Isckon Road, Mansarovar, Jaipur (Rajasthan) - 302020

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Finance, Department Of Financial Services, Jeevan Deep, 3Rd Floor, Parliament Street, New Delhi. Pin 110001
2. Chief Manager, Indian Bank, Corporate Office, 254-260, Avvaishanmughamsalai, Chennai - 600014.
3. Deputy General Manager/zonal Manager, Zone Jaipur, Indian Bank Zonal Office Jtm, Near Jagatpura Flyover Model Town Malviya Nagar Jaipur Rajasthan 302017
4. Allahabad Bank, Through Its Authorised Officer, Kolkata Main Office-14, India Exchange Place, Kolkata, West Bengal -700001

-----Respondents

For Petitioner(s)	:	Mr. Tribhuvan Narayan Singh
For Respondent(s)	:	Mr. Ashish Shrivastava

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/02/2026

1. Instant writ petition is filed with following prayer:-

I. Issue an appropriate writ, order or direction in the nature of mandamus, quashing and setting aside the rejection letter dated 27.07.2020 in the application of the petitioner for the appointment on compassionate grounds and consider the petitioner's application afresh in consonance with Scheme for Compassionate Appointment as

applicable in e-Allahabad Bank (HOIC No. 13846/PA/2015-16/26 dated 03.08.2015).

II. Issue an appropriate writ, order or directing the Respondent Bank to consider the Executive Committee's proposal and recommendation dated 23.03.2020 which recommended for the appointment for the Petitioner in terms of the provisions of the scheme in the post of SWO-A under Clerical Cadre on Compassionate grounds.

III. Issue an appropriate writ, order or direction the Respondent Bank may be directed to comply with its scheme and give due benefits to the Petitioner's family either in terms of Compassionate Appointment or one time lump sum Ex-Gratia amount in lieu of Compassionate Appointment.

IV. The Respondent Bank may be directed to incur heavy cost due to its misconduct and unreasonable attitude towards the family of the Petitioner who faced acute financial crunches after the death of the sole bread winner of the family.

2. Learned counsel for petitioner submits that the father of petitioner was employed in Allahabad Bank and on date of death, he was working as Manager at Jaipur in Tonk Road Branch. He further submits that as per policy of the bank, the mother of the petitioner along with petitioner has filed an application for compassionate appointment and the petitioner was called for personal interaction, but during interaction, it was suggested to the petitioner that if petitioner completes the graduation then his appointment may be considered on clerical post else he will be given sub-staff post. He further submitted that after obtaining degree of graduation, the petitioner has applied for the

appointment on clerical post, but the application was rejected by the respondent-Bank, despite the recommendation in favour of the petitioner by a Committee constituted by the respondent-Bank itself. He also submitted that not a single document is filed on record to show that the petitioner was ever offered any post in accordance with his qualification and further if the petitioner has not joined, then the application was rejected for not accepting offer.

3. Aforesaid contentions were opposed by learned counsel appearing on behalf of respondents-Bank and submitted that the petitioner has filed an application when he was not graduate and was offered the post of sub-staff, but petitioner has not accepted the offer made by the respondent-Bank. He also submitted that after some years, when mother of the petitioner, who is widow of deceased, was also expired, the petitioner has filed a fresh application for appointment on post of Clerk on the basis of degree of graduation, but same was not in accordance with policy of the bank and the bank has rejected the proposal. He further submitted that the bank has considered the case of the petitioner, but petitioner has not accepted the offer as made to him soon after the death of his father.

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

5. The facts of the case are almost admitted but the issue is that when the application was made for the first time soon after the death of father of petitioner and, the petitioner was called for personal interaction, but after personal interaction, no offer was made to the petitioner to join on post of sub-staff as the petitioner

was not having graduation degree on that particular day. The petitioner has submitted an application (Annexure-11) on 26.07.2016 to indicate that petitioner is pursuing his graduation and only after his graduation, he will be considered for appointment on the post of Clerk. Pursuant to previous application dated 20.03.2015, personal interaction dated 15.07.2016 and subsequent application dated 21.01.2020, no positive and negative order was passed by the respondent-Bank. Not a single document is placed on record to show that the case of present petitioner was ever rejected by Bank prior to 27.07.2020 (Annexure-11).

6. The record reflects that, the candidature of present petitioner for compassionate appointment was first and last time rejected on 27.07.2020 and a copy of letter is reproduced as under:-

Ref.No.KMO/Admin/TD/Comp.Apptt./219-20/12669

Dated: 27.07.2020

To,

Shri, Vibhor Golash S/o Late Vishwaroop Golash

R/o-31, Vinayak Vihar-A,

ISKON Road, Mansarowar,

Jaipur, Rajasthan, 302020

Dear Sir,

Your Request for Appointment in the Bank's Service

on Compassionate Grounds

This has reference to your application dated 21.01.2020 for appointment in the Bank's service on compassionate grounds after death of your father Late Vishwaroop Golash (PF No.12669), ex-Manager, Jaipur Tonk Road Branch on 26.01.2015.

In accordance with the Scheme for Compassionate Appointment as applicable in e-Allahabad Bank (HOIC No.13846/PA/2015-16/26 dated 03.08.2015), your application was placed before the Committee of Executives on 21.03.2020 for consideration. Thereafter, the matter along with all related documents was placed before the Competent Authority for taking a decision, in terms of the said Scheme.

The Competent Authority, upon considering your application & related documents, observed that there was inordinate delay in filing the said application for appointment on compassionate ground that too after expiry of the family pensioner (wife of ex-employee) and hence declined your request for appointment on compassionate grounds in banks' service.

This is for your kind information. Please acknowledge receipt.

7. Aforementioned clearly indicate that the application was rejected as there was inordinate delay in filing the application and moreover, the family pensioner (wife of ex-employee) has also expired. The respondents have not placed any document on record to demonstrate that after personal interaction they have offered post of sub-staff to petitioner and same was not accepted by him. The required letter of petitioner has indicate that he delayed the proposal but same was also not rejected by the bank.

8. In case of **Jane Kaushik Vs. Union of India 2025 INSC 1248**, Hon'ble Supreme Court has considered constitutional mandate upon the public authorities and a theory that if a public authority was duty bound to discharge the public function in a particular manner and the liability is only to advance the goals of Constitution and if they failed to take any action, then it is omission on their part.

9. Herein this case, prior to 27.07.2020, the petitioner has approached the respondent-Bank for compassionate appointment and the first application was made within the time frame as prescribed by the Bank under the policy and also was sponsored by wife of deceased ex-employee. Thus, rejection of application for compassionate appointment is contrary to the settled norms.

10. The Court is well aware about the fact that compassionate appointment cannot be claimed as a matter of right and it is just a solace to the family of deceased employee, but when a public authority, which was expected to discharge a function in fair and transparent manner, so as to advance the public policy, if failed to discharge their duties then the Court has no option except to allow the writ petition.

11. In view of above, the writ petition is hereby allowed and the order dated 27.07.2020 is hereby quashed and set aside and respondent-Bank is directed to re-consider the case of present petitioner for compassionate appointment on suitable post and to give him appointment, if the petitioner is otherwise found eligible. The entire examination process be completed within a period of 90 days from date of receipt of copy of this order.

12. Thus, the writ petition along with pending application(s), if any stands disposed of.

(ASHOK KUMAR JAIN),J