

OD-16

ORDER SHEET

WPO 1073 of 2022  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

SMT. JYOTI  
VS.  
UNION OF INDIA & ORS.

BEFORE:  
The Hon'ble JUSTICE LAPITA BANERJI  
Date: 31<sup>st</sup> March, 2023.

Mr. Soumya Majumdar, Mr. Sayak Ranjan Ganguly,  
Ms. Srijani Ghosh, Advocates for the petitioner.

Mr. Subrata Kumar Sinha, Advocate for State Bank of India.  
Mr. Tapan Bhanja, Advocate for Union of India.

The Court : Affidavit-in-opposition and Affidavit-in-reply filed in Court today are retained with the records.

Mr. Majumdar, learned Counsel appearing on behalf of the petitioner submits that the petitioner's husband died-in-harness on November 23, 2020 being an employee of the State Bank of India (SBI)/the respondent nos.2 to 4.

The scheme of 2005 applicable to SBI restricted compassionate appointment being granted to the dependants of the deceased employees on 'exceptional grounds'. By a letter dated August 7, 2014 issued by the Ministry of Finance, Government of India, the Indian Banking Association's (IBA's) proposal for revising compassionate appointment scheme in Public

Sector Banks (PSBs) was examined and an approval was conveyed by the Government to the proposal of IBA. As per the said proposal the appointment on compassionate ground was to be opened in the PSBs on the lines of the Central Government. Furthermore, it was proposed that ex-gratia payment may be discontinued in lieu of compassionate appointment in PSBs. IBA was requested to take appropriate action to circulate the revised scheme to all the PSBs for *adoption* with the *approval* by their respective Boards. The scheme was to be applicable from August 5, 2014.

Admittedly, a clarification was sought for by SBI on October 16, 2014 from the Secretary, Financial Services, Ministry of Finance regarding the applicability of the proposed scheme. By an order dated December 5, 2014 the Under Secretary to the Government of India clarified the position that both the options i.e. compassionate appointment or payment of lumpsum ex-gratia amount will be applicable to the dependants upon other conditions of compassionate appointment being met. He strenuously argues that by the order dated December 5, 2014 SBI was directed to widen the scope of compassionate appointment and not restrict it to 'exceptional cases'.

In a meeting held on December 23, 2014 the SBI proposed to restrict the grounds for compassionate appointment to 'exceptional cases'. However, by a Board meeting held on February 24, 2021 the revised scheme widening the scope for compassionate appointment was implemented by the SBI.

Mr. Sinha, learned Counsel appears on behalf of SBI.

Let the matter appear for further consideration on **April 28, 2023** under the same heading '**For Hearing**'.

All parties are to act on server copy of this order as downloaded from the official website of this Hon'ble Court.

(LAPITA BANERJI, J.)

pa