

(2000) 09 P&H CK 0045

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 11964 of 1999

Davinder Singh

APPELLANT

Vs

Punjab National Bank

RESPONDENT

Date of Decision: Sept. 27, 2000

Acts Referred:

- Constitution of India, 1950 - Article 21, 226, 227

Hon'ble Judges: R.S. Mongia, J; K.C. Gupta, J

Bench: Division Bench

Advocate: Mr. R.C. Chatrath and Mr. Vikas Chatrath, for the Appellant; Mr. G.S. Bajwa, for the Respondent

Judgement

K.C. Gupta, J.

This petition under Articles 226/227 of the Constitution of India has been filed by Davinder Singh petitioner for issuance of a writ of cer-tiorari quashing the order dated 17.9.1995 (Annexure P4), passed by the Senior Manager, Punjab National Bank, respondent No. 3, vide which the case of the petitioner for appointment to the post of peon on compassionate grounds has been rejected.

2. Briefly stated, the facts are that Naranjan Singh, father of the petitioner retired from Army after serving it for about 17 years and was granted pension. Later on he was employed as a peon in the grade of Rs. 244-455 in the New Bank of India, New Delhi, vide letter dated 13.11.1982 and was asked to report for duty at Faridkot. Subsequently, the said Bank was merged with Punjab National Bank and Naranjan Singh was treated to be an employee of Punjab National Bank. Unfortunately, he died on 13.11.1997 while in service. He left behind his widow Tarsem Kaur, three sons namely Jagtar Singh, Avtar Singh besides petitioner Devinder Singh and three daughters. Jagtar Singh and Avtar Singh are married and are living separately from their mother and the petitioner and are employed in the Army. The three sisters of the petitioner are married.

3. The petitioner alleged that he was Middle pass, belonged to the category of scheduled caste and was more than 18 years of age at the time of death of his father and his mother had meagre source of income, so he should be given employment to Class-1 V post in the Bank on compassionate grounds. It was further submitted that his mother had given an application to the Senior Manager of Punjab National Bank, Moga, for employment of the petitioner and had also given subsequent reminder but ultimately, his case for appointment on compassionate ground was rejected vide letter dated 17.8.1998 (copy Annexure P4). Aggrieved by the said rejection letter, the petitioner has filed the present writ petition.

4. Respondents 1 to 3 filed reply and stated that the petitioner was not found entitled to employment on compassionate ground, keeping in view the financial position of his family and as such, his request was rejected.

5. We have heard learned Counsel for the parties and also carefully gone through the record.

6. Learned counsel for the petitioner contended that the petitioner was unmarried and had no source of income and further her mother had meagre source of income and his other two brothers who were employed in the Army were residing separately and were not supporting them and as such, he should be given employment on compassionate ground to a class-IV post. In order to buttress his arguments, he has placed reliance upon judgment CWP No. 3216 of 1998, Balwan Sing/i v. Union of India and another, decided on September 25, 1998 (Annexure P6). Vide this judgment, the writ petition was allowed and the National Dairy Research Institute Karnal, was directed to grant appointment to Balwan Singh on compassionate grounds. It was further held in the said case that the element of family pension etc. is not to be considered for grant of employment on compassionate grounds. In our opinion the above mentioned judgment is not applicable to the facts of the present case.

7. The Punjab National Bank had framed a scheme for grant of employment on compassionate grounds which was circulated vide circular No. 6/97 daled 20.3.1997. Clause 10 of the Scheme (Annexure R2) relates to financial condition of the family and reads as under:-

"10. Financial Condition of the Family: The dependants of an employee dying in harness may be considered for compassionate appointment provided the family is without sufficient means of livelihood, specifically keeping in view the following :-

- a) Family pension;
- b) Gratuity amount received;
- c) Employee "s/Employer"s contribution to PF;
- d) Any compensation paid by the bank or its Welfare Fund;

- e) Proceeds of L1C Policy and other investments of the deceased employee;
- f) Income for family from other sources;
- g) Employment of other family members;
- h) Size of the family and liabilities, if any etc."

The aforesaid scheme is not under challenge before us. Thus, the family pension, Gratuity amount received, income of family from other sources, employment of other family members, size of the family and liabilities etc. are to be considered in knowing whether the family is without sufficient means of livelihood or not. It has been further stated in paragraph 2 of the written statement filed by respondents 1 to 3, regarding the financial position of the family of the petitioner as under :-

- "i) The family of the petitioner is having its own house;
- ii) Mother of the petitioner is getting pension from the Army of Rs. 1548/-p.m.
- iii) She is getting pension from Bank @ Rs. 2622/-p.m.
- iv) She is being paid by ENBI Welfare Society Rs. 500/- per month.

Total comes out Rs. 4770/-

- v) Two elder sons are already serving in Army. All the three daughters of the deceased are married and settled.

8. Besides this, the mother of the petitioner has also received the following amounts as retiral benefits, having no other liability :-

- a) Gratuity Rs. 43,725/-
 - b) PPF Rs. 44,396/-
 - c) Leave encashment Rs. 15,469/-
 - d) Ex-gratia : Rs. 5000/- from ENBI Fund
 - e) Ex-gratia: Rs. 5000/- from PNB
- Total :Rs. 1,13,770/-"

9. Thus, from the above facts, it is clear that two elder brothers of the petitioner are employed in the Army and his all the three sisters are married and settled. Further his mother is getting family pension from two sources i.e. from the Army as well as from the Bank and in all Rs. 4670/- per month and further she is having a house. It is also clear that mother of the petitioner has received Rs. 1,13,770/- as Gratuity, PPF, Leave encashment etc. In view of these facts, certainly the petitioner is not entitled for employment on compassionate grounds because the financial condition of the petitioner's family is good and he has sufficient means of livelihood. In Balwan Singh's case (supra) his father was employed in National Dairy Research Institute, Karnal as Attendant, which had also framed a scheme but there were not provisions like clause-10 in the scheme framed by the Punjab National Bank.

10. Consequently, we hold that the order dated 17.9.1998 (Annexure P4) passed by the Senior Manager, Punjab National Bank is well based. We concur with the same. Hence, the writ petition is dismissed.

11. Petition dismissed.