SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Shanti Devi and anr. Vs. Prabhandh Nideshak U.P. Sahkari Gram Vikas Ltd. and ors.

Shanti Devi and anr. Vs. Prabhandh Nideshak U.P. Sahkari Gram Vikas Ltd. and ors.

SooperKanoon Citation : sooperkanoon.com/484229

Court : Allahabad

Decided On : Jan-19-2005

Reported in : (2005)2UPLBEC1601

Judge : Vineet Saran, J.

Appeal No. : Civil Misc. Writ Petition No. 1845 of 2005

Appellant : Shanti Devi and anr.

Respondent : Prabhandh Nideshak U.P. Sahkari Gram Vikas Ltd. and ors.

Advocate for Def. : Prabhakar Dwivedi, Adv.

Advocate for Pet/Ap. : Shashi Bhushan and ;S.L. Yaday, Advs.

Disposition : Petition dismissed

Judgement :

Vineet Saran, J.

1. Heard Sri Shashi Bhushan, learned Counsel appearing for the petitioners well as Sri Prabhakar Dwivedi, learned Counsel appearing for respondent Nos. 1, 2 and 3.

2. The husband of the petitioner No. 1 and the father of petitioner No. 2 late Babu Lal, was an employee of the U.P. Sahkari Gram Vikas Bank Limited. He died in harness on 30.11.2003. Thereafter respondent No. 4 Jitendra alias Munna Yadav, who was the son of the first wife of the deceased-employee late Babu Lal, had applied for appointment on compassionate ground. Similarly petitioner No. 1 Smt. Shanti Devi the second wife of late Babu Lal also made an application for appointment on compassionate ground. The respondent No. 4, Jitendra alias Munna Yadav filed Writ Petition No. 41763 of 2004 with a prayer for a direction to the respondent-Bank to give appointment on compassionate ground. The said writ petition was disposed of vide the judgment and order dated 6.10.2004 with the direction that his representation regarding appointment to be given on compassionate ground may be decided in accordance with law after giving opportunity of hearing to the petitioners and other concerned parties, including the other heirs of the deceased employee, late Babu Lal. The respondent No. 2 has passed the impugned order dated 14.12.2004 holding that the respondent No. 4 would be entitled for being given appointment on compassionate ground. Challenging the said order the petitioners have filed this writ petition praying for a direction to the respondents to give appointment on compassionate ground to the petitioner No. 2 if the petitioner No. 1 is not found entitled to the same.

3. Having heard learned Counsel for the parties and considering the facts and on careful perusal of the impugned order, I do not find any merit in this writ petition. The impugned order has been passed by respondent No. 2 after giving opportunity of hearing to the petitioners as well respondent No. 4. It has been categorically mentioned in the impugned order that petitioner No. 1, Smt. Shanti Devi had stated that the entire amount of the Bank Employees Welfare Fund and, the Employees Provident Fund amounting to Rs. 92,000 and Rs. 4,56,829 respectively had been received by her and no part thereof had been given to respondent No. 4, who was also an heir of the deceased employee, being his elder son through his first wife. It has also been stated in the impugned order (which is not disputed by the petitioners) that the petitioner No. 1 was not qualified for being given appointment on compassionate ground whereas respondent No. 4, who is the elder son of the deceased employee was fully qualified and he was entitled for such appointment. Even on equity, I do not find that the impugned

order is wrong as admittedly the petitioner No. 1 has already received about 5.5 lacs on the death of her husband whereas respondent No. 4 has not been given any amount from the same although he was also one of the heirs of the deceased employees. The petitioner No. 2 had never applied for such appointment on compassionate ground in the Bank and as such without there being any application on his behalf the respondent-Bank could not have considered his case for such appointment.

4. For the foregoing reasons, I do not find any merit in this writ petition. This writ petition is, accordingly, dismissed. No order as to costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com