

Court No. - 33

Case :- WRIT - A No. - 10831 of 2023

Petitioner :- Avnish Tandon

Respondent :- Assistant General Manager

Counsel for Petitioner :- Sharad Tandon

Counsel for Respondent :- Anadi Krishna Narayana

Hon'ble J.J. Munir,J.

Heard Mr. Sandeep Kumar, learned Counsel for the petitioner and Mr. Anadi Krishna Narayana, learned Counsel appearing for the respondent-Bank.

2. The petitioner has come up, challenging the order dated 08.01.2023 passed by the Assistant General Manager and the Regional Head, Bank of Baroda, Bareilly rejecting the petitioner's application seeking compassionate appointment in his mother's stead. The petitioner's mother was a Cashier-cum-Clerk in the erstwhile Bareilly Corporation Bank, which subsequently merged with the Bank of Baroda in the year 1999.

3. Learned Counsel for the petitioner emphasizes that the Bareilly Corporation Bank (*'BCB' for short*), before the merger too, was maintained by the Bank of Baroda (*'BOB' for short*). The petitioner's mother died in harness on 12.11.1996, leaving behind the petitioner, then a minor, besides a minor daughter. The petitioner passed his B.Com. examination in the year 2007 and made an application for compassionate appointment. The petitioner has brought to this Court's notice the fact that he has been pursuing his claim with the BOB, post merger, for compassionate appointment unsuccessfully since the year 2007. In the year 2022, finally, he moved this Court, seeking a direction for consideration of his claim. The petitioner did so by instituting Writ - A No. 385 of 2022. This Court, by an order dated 13.01.2022, issued directions for a consideration of the petitioner's claim in the following words:

This Court is of the view that the matter being of the year 2007 for compassionate appointment, no appropriate positive direction can be issued. However, since the respondents have invited application from the petitioner and the petitioner has moved

application on 23rd March, 2020, it is left open for the respondent authority to take final decision in the matter and it is hereby directed that the concerned respondent authority shall take final decision in the matter strictly in accordance with law.

4. The direction to consider the petitioner's case was issued because the Bank seems to have invited some application from the petitioner on 23.03.2022 regarding his claim for compassionate appointment. Nevertheless, this Court was mindful of the fact that the claim was highly belated, a fact that is reflected in the order of this Court made on 31.05.2023. The Bank was left free to take a decision in the matter, strictly in accordance with law. It is in the context of the aforesaid direction that the impugned order has been passed by the Bank, declining the petitioner's case on two counts. The first is that the petitioner's mother was an employee of the BCB, which was a separate entity, and she died before its merger with the BOB in the year 1999. The other was that the claim was one made nearly 26 years after the event.

5. This Court is not minded to look into the validity of the reason carried in the impugned order that the petitioner's mother died before the merger. The Court is also not impressed by what the Bank have said about the 26 years delay on the petitioner's part in approaching the Bank. It does appear that the petitioner approached the Bank soon after he passed his B.Com. examination. The fact on which the fate of this case would turn is that the petitioner waited too long in commencing any kind of action to enforce his rights, if these were there. He pursued the matter with the Bank since the year 2007 right up to the year 2022, when for the first time, he instituted a writ petition before this Court. Prior to the year 2022, the petitioner did not bring any kind of action before any judicial forum to enforce his rights.

6. Apart from this feature of the matter, what is most important is that 26 years have indeed elapsed since the petitioner's mother passed away. During this long passage of time, as life goes on, it is a legitimate inference to draw that the financial crisis emanating from the petitioner's mother's untimely demise would have been tided over by the petitioner, in whatsoever way it was. There is, therefore, no existing exigency to bail out the family in economic distress now,

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in aid of which this Court may issue a *mandamus* to consider the petitioner's case.

7. In this view of the matter, this Court does not find any good ground to interfere.

8. In the result, this writ petition **fails** and, consequently, stands **dismissed**.

9. There shall, however, be no order as to costs.

Order Date :- 12.7.2023

I. Batabyal

(J.J. Munir, J.)