



2026:AHC:24648

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 32433 of 2015

Rajiv Mishra

.....Petitioner(s)

Versus

Managing Director Central Bank Of India And 2
Others

.....Respondent(s)

Counsel for Petitioner(s) : B.P. Verma
Counsel for Respondent(s) : Gyan Prakash Shrivastava, V.K.
Srivastava

A.F.R.

Court No. - 34

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the petitioner, learned counsel for respondent-Bank and learned Standing Counsel for the State.

2. The writ petition is filed with the following prayer:

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned letter/orders dated 19.9.2013 and 8.11.2013 passed by respondent no.2 contained in Annexure no 8 and 12 respectively to the writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondent Bank to consider the application of the petitioner for appointment under dying in harness rules.

(iii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondent Bank to provide Ex-gratia payment to the petitioner in lieu of the appointment."

3. It is submitted by learned counsel for petitioner that mother of petitioner was employee of the respondent-Bank, who died on 7.10.2011. Petitioner had applied for compassionate appointment on 8.2.2013. In response thereof, respondent-Bank has issued a letter dated 23.2.2013 that compassionate appointment cannot be awarded, however, Ex-gratia payment can be made, if the papers are submitted as required by the Bank. In pursuance thereof, brother of petitioner Sanjeev Mishra have applied on 7.7.2013. The aforesaid application for Ex-gratia payment in lieu of compassionate appointment was

rejected by Bank on 8.11.2014 on the ground that application for Ex-gratia lump sum in lieu of compassionate appointment has to be submitted within six month from the date of death of employee. Learned counsel for petitioner submits that it is only when the Bank has invited the aforesaid application from the petitioner by letter dated 23.2.2013 for Ex-gratia payment, the brother of petitioner had applied, who in the year 2017 has died. Therefore, the present writ petition was filed by petitioner as Ex-gratia payment is for the benefit of whole family and as such, petitioner is also entitled to claim Ex-gratia payment. Learned counsel for petitioner submits that limitation as has been stated of six month has arisen out of circular of the respondent-Bank, which is filed at page 12 of the counter affidavit. The circular is of 9.4.2008. Learned counsel for petitioner submits that circular is internal document of respondent-Bank and it was not within the knowledge of legal heirs of deceased employee and as such, application for Ex-gratia payment could not be made. Even otherwise, it is the Bank, who has communicated by letter dated 23.2.2013 to apply for Ex-gratia payment, then the application has been filed within six months.

4. Learned counsel for respondent-Bank submits that as per circular of the Bank Ex-gratia payment is required to be applied within six month from the date of death of employee. Learned counsel for respondent-Bank has relied upon circular dated 9.4.2008 of the Bank, which is filed as Annexure No.CA-1 to the counter affidavit. Learned counsel for respondent-Bank submits that in view of the fact that application was filed beyond limitation prescribed in the aforesaid circular, the claim for Ex-gratia payment has been rejected.

5. On a query being made to learned counsel for respondent-Bank as to why Bank has issued a letter dated 23.2.2013 filed along with writ petition as Annexure No.3 for inviting application for Ex-gratia payment when the Bank was very well aware that the application is required to be filed as per circular within six months from the date of death of employee, learned counsel for respondent-Bank could not give any satisfactory reply in this respect.

6. It is to be seen that Ex-gratia payment is in lieu of compassionate appointment. The mother of petitioner was employee of Bank, which fact is admitted to the Bank. The internal circular of Bank are normally not within the knowledge of any person, who is not connected with the Bank unless the

same is published and is widely circulated. It is not the case of the Bank that petitioner was having knowledge of the circular dated 9.4.2008 at the time of death of employee. It is not shown by learned counsel for respondent-Bank that the legal heirs of deceased employee was communicated with the circular of the Bank dated 9.4.2008. Coupled with the facts that Bank itself by letter dated 23.2.2013 has invited the application from the petitioner for submitting application for Ex-gratia payment then the date of knowledge of aforesaid circular, at best, can be taken from the date of letter dated 23.2.2013. As per impugned order, application for Ex-gratia payment has been made on 7.7.2013 by the brother of petitioner, namely, Sanjeev Mishra. Although, learned counsel for respondent-Bank tries to impress upon the Court that brother of petitioner had applied for Ex-gratia payment and his application was rejected by means of impugned order. It is not in dispute that brother of petitioner Sanjeev Mishra has expired in the year 2017. It is further to be noted that Ex-gratia payment is for the benefit of family members of the deceased employee and as such, each member of the family would be entitled to claim the same.

7. In view of the letter dated 23.2.2013 of the respondent-Bank and coupled with the fact that internal circular cannot by itself cause a limitation on applying unless the internal document is communicated to legal heirs of deceased employee, which in the present case, Bank has not shown.

8. In view of aforesaid, the impugned letter/orders dated 19.9.2013 and 8.11.2013 passed by respondent no.2 is hereby set aside and the matter is remanded bank to respondent no.2 to consider the application of petitioner for Ex-gratia payment in lieu of compassionate appointment without going into the question of limitation, within a period of three months from the date of production of a certified copy of the order. If the Bank requires any document or formality is to be completed, the same may be communicated to the petitioner in writing within 15 days from the date of production of a certified copy of the order and the petitioner would oblige to complete the aforesaid formality within one month thereafter.

9. Accordingly, the writ petition is **allowed**.

February 4, 2026
D. Tamang

(Vikram D. Chauhan,J.)