Singh Vs. Dr. Bhagwan Din Misra & Oths. (1990) 4 SCC 510 and it would not be helpful to petitioner's case rather they are against her.

17. In the aforesaid circumstances, there is no ground to grant relief as sought in the present Writ Petition, accordingly dismissed.

(2025) 3 ILRA 881
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 10.03.2025

BEFORE

THE HON'BLE AJAY BHANOT, J.

Writ - A No. 16327 of 2022

Saurabh Lal ...Petitioner
Versus
State of U.P. & Ors. ...Respondents

Counsel for the Petitioner:
Niraj Tiwari

Counsel for the Respondents:
C.S.C., Vivek Ratan Agarwal

A. Service Law – Compassionate Appointment - The penalty imposed upon the petitioner's father cannot be invoked to decline his application for the appointment on compassionate grounds. In the instant case the major penalty stood effaced two years after its imposition, and its adverse impact did not continue subsequent to the promotion of the petitioner's father. (Para 6)

As per the impugned order the petitioner's claim for appointment on compassionate ground have been invalidated on the footing of provisions of the Scheme of appointment on compassionate ground, which provides that Committee will be authorised to decline all requests for compassionate appointment/ex-gratia payment in cases where major penalty was imposed on the ex-employee while in service, and/or where disciplinary action which was pending at the time of death of the ex-employee would have resulted in imposition of major penalty. (Para 4)

The aforesaid disqualification will attach to an employee against whom major penalty was imposed and the remains in the record at the time of his death. (Para 5)

Impugned order dated 03.03.2021 is set aside. Writ petition allowed. (E-4)

(Delivered by Hon'ble Ajay Bhanot, J.)

Heard Sri Niraj Tiwari, learned counsel for the petitioner and Sri Vivek Ratan Agrawal, learned counsel for the respondents.

1. By the impugned order dated 03.03.2021 the claim of the petitioner for grant of appointment on compassionate ground has been declined. The impugned order speaks thus:-

"With reference to your application on the captioned subject, we have to inform you that the matter was placed before the competent authority and in terms of the Government of India guidelines and as per the Scheme, your request for compassionate appointment has not been considered favourably by the Bank considering the unsatisfactory service record of Achhale of in terms of the Scheme."

2. A major penalty was imposed upon his father for a period of two years by order dated 31.05.2012. After the expiry of the aforesaid period the petitioner's father was granted promotion to the post of Manager of Union of India, Branch Collectrate, District Mau, U.P. Thereafter, he was further promoted as Deputy Branch Head at Branch Amiliya, District Rewa (U.P.).

3. In this wake it cannot be contended that the records of the service of petitioner's father was less than satisfactory.

4. As per the impugned order the petitioner's claim for appointment on compassionate ground have been invalidated on the footing of the following provisions of the Scheme of appointment on compassionate ground:

"1. A Note No. HR MPRD 119:2017 dated 01/03/2017 for consideration of disciplinary action cases in the Scheme of Appointment on Compassionate Grounds is deliberated in the HR Sub-Committee of the Board of Directors today i.e. on 21.03.2017.

2. The Committee, while concurring with the modifications, made the following observations:

A) Committee for Compassionate Appointment will be authorised to decline all requests for compassionate appointment/ex-gratia payment in cases where major penalty was imposed on the ex-employee while in service, and/or where disciplinary action which was pending at the time of death of the ex-employee would have resulted in imposition of major penalty;"

5. The aforesaid disqualification will attach to an employee against whom major penalty was imposed and the remains in the record at the time of his death.

6. In the instant case as seen above the major penalty stood effaced two years after its imposition, and its adverse impact did not continue subsequent to the promotion of the petitioner's father. The said penalty imposed upon the petitioner's father cannot be invoked to decline his application for the appointment on compassionate grounds.

7. In the wake preceding discussion the impugned order dated 03.03.2021 passed by respondent no. 3 is liable to be set aside and is set aside.

8. The application of the petitioner for appointment on compassionate ground shall be considered afresh as per law within a period of three months from the date of production of certified copy of this order.

9. The writ petition is allowed to the extent indicated above.

(2025) 3 ILRA 882
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 06.03.2025

BEFORE

THE HON'BLE ASHWANI KUMAR MISHRA, J.
THE HON'BLE DONADI RAMESH, J.

Writ C No. 39442 of 2024

Arvind Kumar Singh ...Petitioner
Versus
Lok Ayukta, U.P. & Ors. ...Respondents

Counsel for the Petitioner:
Sri Namit Srivastava, Ms. Parul Srivastava

Counsel for the Respondents:
C.S.C., Sri Manas Bhargava

A. Service Law – Appointment - Jurisdiction - The appointment of public servant or any dispute in respect of service conditions since are regulated by the statutory scheme they are supposedly kept out of the provisions of the Act of 1975.