



2026:AHC-LKO:5507

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 8208 of 2024

A.F.R.

Abhishek Jaiswal

.....Petitioner(s)

Versus

P.N.B. Head Office Thru. Chairman Cum
Managing Director And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Azmi Yousuf, Alok Kumar Pandey,
Shashank Singh, Vinod Kumar Shukla
Counsel for Respondent(s) : Brajendra Amiy, Gaurabh Kumar,
Vishwas Saraswat

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Mr. Vinod Kumar Shukla and Mr. Alok Kumar Pandey, learned counsel for the petitioner, Mr. Vishwas Saraswat, learned counsel for the respondents and perused the record.
2. The present petition has been filed challenging the order dated 19.09.2023 passed by opposite party no. 2, i.e. Chief Manager, Punjab National Bank, Circle Office, Sitapur, on the ground that without assigning any reason, the order has been passed, declining the appointment of the petitioner on compassionate ground.
3. The contention of learned counsel for the petitioner is that the petitioner's father, Late Keshav Ram Jaiswal, who joined the service in 1982, unfortunately died in the year 2016, i.e. on 04.08.2016, leaving behind the legal heirs, including the present petitioner being the son.
4. He submitted that after the death of the father, the mother

submitted an application on 04.08.2018 while making a claim for appointment by mentioning that her son had passed the Intermediate examination and he is pursuing his graduation course, and she desired that her son be appointed after completion of his education.

5. He added that the application may not be happily worded, but one thing is apparent that the son of the deceased employee, who is the legal heir, had passed the Intermediate examination and therefore, he should have been considered for appropriate appointment under the rules prevalent at that point of time in the bank.

6. Further submission is that the impugned order does not speak about any reason for refusal of the claim of the petitioner for his appointment on compassionate ground. He has also drawn attention towards paragraphs 4 and 5 of the supplementary affidavit dated 06.11.2025 filed by the counsel for the respondent bank and submitted that it has been mentioned in the affidavit that the deliberation and discussion among the members of the Board is oral in nature and based on that oral discussion, the petitioner was not found eligible and therefore his appointment has been declined.

7. He further argued that the rules of compassionate appointment are made for considering such legal heirs on the basis of compassion and it is not the intent of any law-making agency to deprive a person whose caretaker and parent has died in harness. He next submitted that the mental status of the family, particularly the wife, after the death of her husband can be understood and therefore, if the application has been filed, not with a targeted request, then that should not be taken otherwise, rather, it is incumbent upon the authorities to try to fulfill the very purpose of the prevalent rules and laws for which those are meant.

8. He added that the application initially was submitted in the year 2018, i.e. very well within the time period prescribed under the provisions. Clarifying the position, he submitted that after the application was instituted on 04.08.2018, a letter was received by the petitioner on 27.08.2018, which is appended as Annexure No. 3 along with the writ petition and in compliance thereof, all the formalities were completed on 04.08.2018, But in the meantime, the office was shifted and therefore, it was requested by the bank officers that a fresh application be given, and thereafter, the fresh application was given on 27.01.2021. This does not mean that the application was initially given in the year 2021, rather, it was given in the year 2018 through the application which was given on 27.01.2021 is also within the time of five years of limitation period prescribed in the Rules. He added that all these reasons were neither considered nor discussed, as is evident in the letter of rejection of the claim of the petitioner.

9. Concluding his argument, he submitted that the impugned order does not stand on its own legs and therefore, the same is liable to be quashed.

10. On the other hand, Mr. Saraswat, appearing for the respondent bank, has opposed the aforesaid contentions and submitted that in fact, the letter of the year 2018 could not have been taken into consideration as the same itself is evident that the appointment was sought for in future, i.e. after completion of the graduation of the petitioner, and therefore, the application which was subsequently submitted by the petitioner, in the year 2021, was considered. He submitted that since after the lapse of five years, the application was moved and therefore, under the rules, the same could not have been considered, and after due deliberation in the meeting of the Board, the decision was taken and the order dated 19.09.2023 was passed. He further submitted that there was no financial hardship before the petitioner or his mother or the family, and

therefore, the petitioner is also not entitled to any kind of appointment under the Rules, 1975 for compassionate appointment. Thus, the writ petition is liable to be dismissed.

11. Upon considering the submissions of learned counsel for the parties and perusal of the records, it transpires that the petitioner's father was working in the respondent bank and he died in harness, on 04.08.2016. Thereafter, the wife of the deceased moved an application for appointment on 04.08.2018, whereafter, a letter was sent by the bank, on 27.08.2018, for completing the formalities with respect to the appointment, on compassionate ground. In compliance thereof, the formalities were completed but as per the argument of learned counsel for the petitioner, in the meantime the office was shifted and a new application was demanded which was submitted in the year 2021.

12. When this Court examines the order dated 19.09.2023 in facts and law, it is apparent that two things are undisputed, firstly that the present petitioner is the legal heir of the deceased employee, who was regularly working in the respondent bank, and secondly, that the letter dated 04.08.2018 was received in the office of the bank. What is disputed is that in the letter dated 04.08.2018, the request was made by the mother of the petitioner that the petitioner had completed the Intermediate education and he may be given appointment, after completion of his graduation course.

13. This Court has noticed that after the aforesaid letter was given, the bank wrote a letter on 27.08.2018, to the mother of the petitioner, directing her to fulfill the formalities regarding the appointment and the same was completed as per the instructions.

14. In fact, the petitioner had completed Intermediate education at the time of submission of application by his mother and it is

not the case of the bank that the petitioner did not possess, such qualification, for which there was no job available in the bank, and probably for these reasons, the bank, considering sympathetically the request of the mother of the petitioner, wrote a letter on 27.08.2018, for completion of the formalities regarding the appointment. It is also an undisputed fact that the formalities were completed by the petitioner, in furtherance of the letter dated 27.08.2018.

15. This Court has failed to understand that if at the time of issuing the letter on 27.08.2018, the bank had considered the letter, in the sense, in which the same was written; what restrained to proceed for appointment of the petitioner. This Court has also noticed the supplementary affidavit submitted by the respondent bank, wherein it is apparent that the members of the Board of the respondent bank, as per oral deliberation, have come to the conclusion that the petitioner is not entitled for appointment, and in one line, the rejection order has been passed, which abundantly makes it clear that there is non-application of mind, in passing the impugned order dated 19.09.2023, thus, the order impugned does not stand on its own leg.

16. The law rendered in case of *Mohinder Singh Gill v. Chief Election Commissioner & Ors.* reported in (1978) 1 SCC 405 also covers the field of the present controversy.

17. Apart from above, the objective of promulgating of Rules, 1974 is with inherent object to immediately help the family of the deceased government servant, from the financial distress and therefore such claim of appointment may be considered in purview of the scope and object of the rules. Infact, the rules provides for compassionate appointment. The word "compassion" is of far reaching consequence, as according to Oxford Advanced Dictionary, compassion means "a strong feeling of sympathy for those, who are suffering and are desire

to help them". Further according to the Chambers 20th Century Dictionary, compassion is "fellow-feeling, or sorrow for the sufferings of others. The "compassion" cannot be considered in vacuum, as the same attracts and meant of sympathy, kindness and soft feeling with human sentiments. Infact, it is highly rich customs and traditions of the cultural heritage of India, which has been enshrined in Article 51-A(g) of the Constitution of India and therefore the authorities while considering appointment on compassionate ground must look the very aim and object of the Rules, 1974, as the same can never be understood unless the sentiment of sufferer is felt.

18. In view of the aforementioned submissions and discussions, the order dated 19.09.2023, passed by the opposite party no. 2 is unsustainable, therefore it is hereby quashed.

19. Ergo the matter is remitted back to the opposite party no. 2, i.e. Chief Manager, Punjab National Bank, HRD Section, Circle Office, Sitapur, to consider and decide the matter afresh, taking into consideration the claim of the petitioner for appointment on compassionate ground, in the light of the observations made above, within a period of eight weeks from the date a certified copy of this order is produced before him.

20. With the aforesaid, the writ petition is hereby **allowed**.

(Shree Prakash Singh,J.)

January 22, 2026

Raj