

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 4041 of 2006 (F)

PETITIONER(S) :

1. A.K.RIYAS, S/O.LATE A.KOUDUKANNU,
NAINAR VILAKOM PUTHEN VEEDU, THENGAPATTANAM,
KANYAKUMARI DISTRICT, TAMIL NADU.

2. M.RAHAMATH BEEVI, W/O.LATE A.KOUDUKANNU,
RESIDING AT NAINAR VILAKOM PUTHEN VEEDU
THENGAPATTANAM, KANYAKUMARI DISTRICT, TAMIL NADU.

BY ADVS.SRI.VADAKARA V.V.N.MENON
SRI.T.N.SUKUMARAN

RESPONDENT(S) :

1. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE
POOJAPPURA, THIRUVANANTHAPURAM.

2. STATE BANK OF TRAVANCORE,
HEAD OFFICE, POOJAPPURA, THIRUVANANTHAPURAM.

3. THE ZONAL MANAGER,
STATE BANK OF TRAVANCORE, ZONAL OFFICE
THIRUVANANTHAPURAM.

4. THE MANAGER, STATE BANK OF TRAVANCORE,
THIRUVITHANCODE BRANCH, KANYAKUMARI DISTRICT
TAMIL NADU.

R,R1, R2 BY ADV. SRI.P.RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 4041/2006

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE DEATH CERTIFICATE ISSUED FROM THE CORPORATION OF TRIVANDRUM DATED 31/10/1992.

EXT.P2: COPY OF LEGAL HEIRSHIP CERTIFICATE ISSUED BY THE TAHSILDR, VILAVANCODE TALUK, DATED 28/1/98.

EXT.P3: COPY OF THE HIGHER SECONDARY COURSE CERTIFICATE OF THE 1ST PETITIONER MARCH 1997.

EXT.P4: COPY OF ONE OF THE REPRESENTATIONS DATED 21/7/1998 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT.P5: COPY OF LETTER SENT BY THE 2ND PETITIONER TO THE SECRETARY OF ASSOCIATE BANKS' OFFICERS ASSOCIATION DATED 22/6/99

EXT.P6: COPY OF REPLY TO THE EXT.P5 LETTER DATED 23/6/99 OF THE SECRETARY OF ASSOCIATE BANKS OFFICERS ASSOCIATION

EXT.P7: COPY OF REPLY LETTER NO. PAD/5/1996 DATED 13/7/1999 OF THE CHIEF MANAGER, PERSONNEL ADMINISTRATION OF THE STATE BANK OF TRAVANCORE.

EXT.P8: COPY OF MEDICAL CERTIFICATE ISSUED TO THE 2ND PETITIONER WHO IS TREATING FROM 1996 DATED 24/2/2000

EXT.P9: COPY OF CIRCULAR/SCHEME DATED 31/10/98

EXT.P10: COPY OF REPRESENTATION DATED 10/9/1999 BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 4041 OF 2006

Dated this the 30th day of March, 2015

JUDGMENT

The first petitioner is the son and the second petitioner is the widow respectively of the deceased Koudukannu, who was working as Accountant in the respondent-State Bank of Travancore. He died in harness in the year 1986. The claim for appointment was made as early as in the year 1998 before the first respondent- bank. But, the same was rejected by the bank as per Ext.P7. It is challenging Ext.P7, the petitioners have approached this Court.

2. The petitioners have no explanation for the delay in approaching this Court. Ext.P9 is the scheme of the respondent bank for making appointment on compassionate grounds for dependent of deceased employees. The aforesaid scheme says that in case the dependent is a minor or does not possess suitable minimum educational qualifications, his/her case can be considered within four years of the death of the employee to enable him/her to so qualify in terms of age/or

acquire minimum educational qualifications, provided such a request is received by the Bank within a year of the death of the employee.

3. Though it is argued by the learned counsel for the petitioners that there is no special provision for denying the claim on compassionate ground, I am of view that the petitioners' prayer cannot be granted, on account of the fact that the petitioners waited for more than seven years to challenge the decision of the respondent bank before this Court.

The petitioners, having not chosen to approach this Court within a reasonable time, this Court cannot invoke the power under judicial review. Accordingly, declining the jurisdiction, the writ petition is dismissed. No costs.

Sd/-

A.MUHAMED MUSTAQUE,

Judge.

dpk

/true copy/ PS to Judge.

