

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 11646 of 2009 (A)

PETITIONER(S):

P.RAJAVALLI , W/O.LATE SRI PRABHAKARAN
HOUSE NO.30/448, P.C. HOUSE, CHEVAYUR
KOZHIKODE -17.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S):

1. ANDHRA BANK
HEAD OFFICE, DR.PATTABHI BHAVAN, 5-9-11
SAIFABAD, HYDERABAD 500 004
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR
2. THE GENERAL MANAGER (PERSONNEL)
ANDHRA BANK , PERSONNEL DEPARTMENT (IR), HEAD OFFICE
DR.PATTABHI BHAVAN, 5-9-11, SAIFABAD
HYDERABAD 500 004
3. THE BRANCH MANAGER
NADHRA BANK, AJANTHA COMPLEX, MILAGRES CROSS
ROAD, HAMPANKATTA , MANGALORE.

R1 & 2 BY ADV. SRI.K.RAMAKUMAR (SR.)
R1 & 2 BY ADV. SRI.T.RAMPRASAD UNNI
,R1 & 2 BY ADV. SMT.SMITHA GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11646 of 2009 (A)

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF APPLICATION DATED 31.8.2002 FOR COMPASSIONATE APPOINTMENT IN THE FIRST RESPONDENT BANK SUBMITTED BY THE PETITIONER

EXT.P2: TRUE COPY OF THE LETTER DATED 31.03.2004, SENT BY THE CHIEF MANAGER (IR) OF THE FIRST RESPONDENT BANK TO THE PETITIONERS LAWYER

EXT.P3: TRUE COPY OF THE LETTER DATED 14.8.2003 REFERRED TO IN EXT.P2

EXT.P4: TRUE COPIES OF THE LETTER DT 4.11.2004 ADDRESSED BY THE THEN MINISTER OF STATE FOR FINANCE (REVENUE), GOVT., OF INDIA TO ADV. P. SATHEEDEVI, M.P

EXT.P5; TRUE COPY OF THE COMMUNICATION DT 30.7.2007 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXT.P6: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DT 21.10.2003 IN O P NO. 6368/2002

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 11646 of 2009

Dated this the 03rd day of September, 2015

J U D G M E N T

The petitioner, the wife of a deceased employee seeks appointment under the compassionate employment scheme. The petitioner's husband, who was the employee of the first respondent died on 10.06.2002. The petitioner is seen to have given an application for compassionate appointment evidenced at Ext.P1, well within time on 31.08.2002. The petitioner in the writ petition complains that no consideration was made till the year 2004 and when she sent a lawyers notice it was replied to by Ext.P2 enclosing Ext.P3 order.

2. The petitioner challenges Ext.P3 on the ground that the same was never communicated to the petitioner and also on

the ground of it being laconic insofar as no specific reason having been stated. The petitioner relies on Ext.P6 in which an identical order passed by the 1st respondent was interfered with. Learned counsel appearing for the respondent Bank however, would contend that the petitioner is dis entitled to any appointment, by reason only of delay and also states that Ext.P6 was overruled by a Division Bench.

3. Though the petitioner had filed an application within a reasonable time from the death of the employee, the same was not pursued till 2004. Even if the petitioner had not received the communication at Ext.P3, the petitioner ought to have necessarily agitated the non consideration of the application before an appropriate forum. Further it is also to be noticed that the order at Ext.P3 was admittedly communicated to the petitioner by Ext.P2. Ext.P2 is dated 31.03.2004. The petitioner chose to challenge the said order of rejection after five years by the instant writ petition. The petitioner had in fact, filed a representation

before the Ministry which was also rejected by Ext.P4 dated 04.11.2004. The petitioner has no further explanation with respect to the delay caused. It is trite that compassionate appointment is a benefit given to the dependents of an employee to tide over the immediate financial need which occur, on the death of the sole bread winner of the family. The Hon'ble Supreme Court has in AIR 2006 SC 2691 (M/s. Indian Drugs and Pharmaceuticals Ltd. v. Devki Devi & Others) held so:

“The appointment on compassionate ground is not another source of recruitment but merely an exception to the aforesaid requirement taking into consideration the fact of the death of employee while in service leaving his family without any means of livelihood. In such cases the object is to enable the family to get over sudden financial crisis. But such appointments on compassionate ground have to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased.”

For all the reasons stated above, the writ petition would stand dismissed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge