

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 18839 of 2006 (P)

PETITIONER(S):

**ANOOP. G. GANGA,
S/O.LATE A.N. GANGADHARAN, AGED 25 YEARS, AMBADIYIL
KARIMULAKKAL, KOMALLOOR P.O.**

BY ADV. SRI.K.N.CHANDRABABU

RESPONDENT(S):

- 1. STATE BANK OF TRAVANCORE
(ASSOCIATE OF THE STATE BANK OF INDIA)
REP. BY MANAGING DIRECTOR, HEAD OFFICE, POOJAPPURA
THIRUVANANTHAPURAM.**
- 2. THE CHIEF MANAGER, PERSONNEL
ADMINISTRATION, STATE BANK OF TRAVANCORE
(ASSOCIATE OF THE STATE BANK OF INDIA), HEAD OFFICE
POOJAPPURA, THIRUVANANTHAPURAM.**

R, BY ADV. SRI.P.RAMAKRISHNAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

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| EXT.P1 | COPY OF THE REPRESENTATION DATED 27.4.1999 SUBMITTED BY THE MOTHER OF THE PETITIONER. |
| EXT.P2 | COPY OF THE COMMUNICATION DATED 7.12.95 BY RESPONDENT BANK |
| EXT.P3(A) | COPY OF THE APPLICATION DATED 27.4.99 SUBMITTED BY THE PETITIONER. |
| EXT.P3(B) | COPY OF THE DECLARATION SUBMITTED BY THE PETITIONER. |
| EXT.P3(C) | CPY OF THE NO OBJECTION CERTIFICATE DATED 27.4.99 FROM SMT. S.SASIKALA, W/O, A.N. GANGADHARAN, |
| EXT.P3(D) | COPY OF THE SSLC BOOK FRONT PAGE IN PROOF OF AGE. |
| EXT.P3(E) | COPY OF THE SSLC MARK LIST. |
| EXT.P3(F) | COPY OF THE PRE-DEGREE CERTIFICATE. |
| EXT.3(G) | COPY OF THE PRE-DEGREE MARK LIST. |
| EXT.P3(H) | COPY OF THE DEATH CERTIFICATE OF A.N.GANGADHARAN ISSUED BY THE DEPARTMETN OF MUNICIPALITY, ALLEPPEY. |
| EXT.P3(I) | COPY OF THE INCOME CERTIFICATE ISSUED BY THE VILLAGE OFFICER,CHUNAKKARA |
| EXT.P3(J) | COPY OF THE PENSION CERTIFICATE FROM STATE BANK OF TRAVANCORE, CHARUMMOODU- 7467, ALLEPPEY DISTRICT – 690 505. |
| EXT.P3(K) | COPY OF THE SALARY CERTIFICATE OF SMT. S.S SASIKALA ISSUED BY THE TAHSILDAR, ADOOR. |
| EXT.P3(L) | COPY OF THE CASTE CERTIFICATE ISSUED BY THE TAHSILDAR, TALUK OFFICE, MAVELIKKARA. |
| EXT.P4 | COPY OF THE REMINDER LETTER DATED 27.5.03 BEFORE THE 1ST RESPONDENT. |
| EXT.P5 | COPY OF THE COMMUNICATION DATED 6.6.03, BY THE 2ND RESPONDENT. |

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EXT.P6 COPY OF THE REPRESENTATION DATED 17.4.04 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P7 COYP OF THE RATION CARD ISSUED BY THE TALUK SUPPLY
OFFICER, MAVELIKKARA

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.18839 of 2006 - P

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Dated this the 25th day of September, 2015

J U D G M E N T

The petitioner is before this Court claiming compassionate appointment in the respondent Bank for reason of the petitioners' father, a Head Cashier with the 2nd respondent, Bank, having died-in-harness. The petitioner's father while working as Head Cashier, SBT Main Branch, Kottayam died on 11.05.1995 and left behind his wife and three children. At the time of the death, the three children were minors. Hence the petitioner's mother is said to have filed an application for appointment on compassionate grounds. The petitioner's application was registered by the respondent Bank by Ext.P2.

2. However the petitioner was not granted compassionate appointment, when he attained the age of majority since admittedly, the petitioner's mother, wife of the

deceased was employed as a Village Officer in the Revenue Department at the time of the death of her husband. In any event, the petitioner attained majority in the year 1999 and is said to have filed Ext.P1 application on attaining majority and it is said to have been rejected only by Ext.P5 in the year 2003. It is to be noticed that Ext.P5 is not a rejection order but an intimation that the application submitted in the year 1999 had been declined by the competent authority.

3. If the petitioner's case is that the petitioner did not receive any communication, in 1999 as to the rejection, then it was incumbent upon the petitioner to have approached this Court within a reasonable time from the date of attainment of majority. Obviously the petitioner slept over his rights till 2003, when he was issued with a communication at Ext.P5. Again the petitioner did not pursue his remedies after Ext.P5 communication was received and merely filed representation at Ext.P6 dated 17.04.2004, after about 8 months. The petitioner

even then did not seek to pursue the remedies since the petitioner ought to have filed a writ petition within a reasonable time atleast from the date of Ext.P5 communication, which was admittedly received by the petitioner.

4. The above writ petition is seen to have been filed in the year 2006. Appointments under the compassionate scheme, is only to tide over the immediate need of the family, caused by the death of the sole bread-winner. It has also been consistently held by the Hon'ble Supreme Court and this Court that the same has to be done ensuring that the death resulted in the family being thrown to penury. since appointment under the compassionate scheme is an exception to the guarantee of equality in public employment.

5. In the present case, though the petitioner attained majority in 1999, he contended himself with filing an application and sleeping over its rights. When in the year 2003 he made a further representation and the same was rejected by Ext.P5

pointing out that the rejection was made as early as in 1999, again he did not approach this Court within a reasonable time from the said rejection. The delay occasioned only evidences that the death of the employee had not caused such financial difficulty in the family to warrant an appointment on compassionate ground.

6. Further the learned Counsel for the respondent Bank submits that the petitioner's mother, at the time of the death of the father was employed as a Village Officer and had about 12 years service left in employment. The said fact is admitted and would take the instant case out of the purview of the dying-in-harness scheme. In such circumstance, there can be no appointment given to the petitioner. The claim is found to be devoid of merit and the same is also hit by the delay caused.

The writ petition would stand dismissed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.