

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 25987 of 2005 (R)

PETITIONER(S):

**TIJU VARGHESE,
CHORATHALAKKAL HOUSE, WEST MORAKKALA,
KUMARAPURAM P.O., ERNAKULAM-683 565.**

BY ADV. SRI.BIJU ABRAHAM

RESPONDENT(S):

- 1. THE RESERVE BANK OF INDIA,
REPRESENTED BY THE CONVENOR OF R.B.I., MUMBAI.**
- 2. THE DEPUTY GENERAL MANAGER,
R.B.I., HUMAN RESOURCES DEVELOPMENT DEPARTMENT,
CENTRAL OFFICE, CENTRAL RECRUITMENT SECTION,
GARMENT HOUSE, GROUND FLOOR, DR.ANNIE BESANT ROAD,
WORLI, MUMBAI-400 018.**
- 3. THE GENERAL MANAGER, R.B.I. COCHIN.**

BY ADV. SRI.P.JACOB VARGHESE, SC, RBI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: A TRUE COPY OF THE LETTER DTD.9.10.2004 OF THE ASSISTANT GENERAL
MANAGER OF THE RBI.**

**EXT.P2: A TRUE COPY OF THE LETTER DTD.13.10.2004 OF THE RBI TO THE
PETITIONER'S MOTHER.**

**EXT.P3: A TRUE COPY OF THE LETTER DTD.18.10.2004 OF THE 3RD RESPONDENT TO THE
PETITIONER'S MOTHER.**

EXT.P4: A TRUE COPY OF THE LETTER DTD.25.10.2004.

EXT.P5: A TRUE COPY OF THE FAMILY PENSION SANCTION ORDER DTD.2.11.2004.

**EXT.P6: A TRUE COPY OF THE COMMUNICATION DTD.18.10.2004 OF THE
3RD RESPONDENT FORWARDING THE GSLIS TO THE PETITIONER'S
MOTHER.**

**EXT.P7: A TRUE COPY OF THE COMMUNICATION DTD.22.11.2004 OF THE
3RD RESPONDENT FORWARDING PROVIDENT FUND BALANCE.**

**EXT.P8: A TRUE COPY OF THE APPLICATION DTD.14.6.2005 TO THE
3RD RESPONDENT.**

EXT.P9: A TRUE COPY OF THE REPLY OF THE 3RD RESPONDENT DTD.22.6.2005.

**EXT.P10: A TRUE COPY OF THE APPLICATION DTD.15.6.2005 TO THE
1ST RESPONDENT.**

EXT.P11: A TRUE COPY OF THE REPLY DTD.7.7.2005 OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): TRUE COPY OF D.A.CIRCULAR NO.22/05.15.01 DTD.28TH OCTOBER 1994.

**EXT.R1(b): TRUE COPY OF CIRCULAR DAPM NO.1619/05.15.01/99-2000
DTD.DECEMBER 4, 1999.**

**EXT.R1(c): TRUE COPY OF THE DETAILS OF PAYMENT MADE TO THE SPOUSE OF
THE DECEASED.**

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.25987 of 2005**  
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Dated this the 24th day of March, 2015

J U D G M E N T

The petitioner's father died while he was in service in the year 2004. Petitioner has approached this Court on account of denial of employment under the compassionate employment scheme.

2. In this matter, a detailed counter affidavit has been filed. In para.6 it is stated as follows:

“6. That the father of the petitioner was working as Typist, (a Class III post) in Reserve Bank of India, Kochi Office and he expired while in service on 07/09/2004. When the Pension Scheme was introduced in the Bank in 1990, he had not opted for Contributory Provident Fund and was therefore, entitled for pension and after his death his widow is entitled for family pension which worked out

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to be around Rs.5,852/- per month including D.A. After the death of the employee, as per existing policy regarding compassionate economic package is available to the spouse. The widow of the deceased employee Smt.Mariamamma Varghese is not eligible for an offer of appointment in the Bank either Class III or in Class IV as she had crossed 50 years of age. As per the current policy applicable in this case, if the spouse is not entitled to take up the appointment in Bank, the spouse will be entitled for a lump sum payment calculated as per the scheme of the Bank."

3. It is submitted that based on the scheme, the petitioner's mother was given all the monetary benefits in lieu of compassionate appointment. There is no challenge regarding the relevant regulation in the scheme, providing monetary benefits in lieu of compassionate appointment. In that view of the matter, I do not find any merit in this matter. The writ petition is, accordingly, dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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