

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 34078 of 2005 (F)

PETITIONER(S) :

1. RATHEESH.R.S. S/O.LATE C.RAVEENDRAN,
ELAGANGAM MEDAYIL VILAKOM, PUTHENVEEDU, KANNARA VILLA
NELLIMOODU P.O., THIRUVANANTHAPURAM.

2. SHINOJ JOHN, AGED 19 YEARS,
S/O.LATE C.G.JOHN, CHEKKUMGAL HOUSE, DOOR NO.XV/285
NEAR KADAVIL THAIKOVIL, UDAYMAPEROOR, ERNAKULAM.

3. SHAKEELA .K. AGED 23 YEARS,
D/O.LATE HASHIM.V. KUNDARAYIL HOUSE, NEAR, JUMA MASJID
KANNUR 3.

BY ADVS.SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENT(S) :

1. STATE BANK OF INDIA, REPRESENTED
BY ITS CHIEF GENERAL MANAGER (P&HRD)
STATE BANK OF INDIA, CORPORATE CENTRE, MUMBAI.

2. THE CHIEF MANAGER,
PERSONNEL AND HUMAN RESOURCES DEPARTMENT
STATE BANK OF INDIA, ZONAL OFFICE, ERNAKULAM.

3. THE CHIEF MANAGER,
PERSONNEL AND HUMAN RESOURCES DEPARTMENT
STATE BANK OF INDIA, ZONAL FFICE, THIRUVANANTHAPURAM.

4. THE BRANCH MANAGER,
STATE BANK OF INDIA, KANNUR SOUTH BAZAR BRANCH
KANNUR 670 002.

5. THE CHIEFR GENERAL MANAGER,
STATE BANK OF INDIA, LOCAL HEAD OFFICE
THIRUVANANTHAPURAM.

R,R1 TO 5 BY ADV. SRI.GEORGE THOMAS (MEVADA), SC, SBI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF APPLICATION SUBMITTED BY THE FIRST PETITIONER FOR APPOINTMENT TO THE POST OF MESSENGER IN THE FIRST RESPONDENT BANK.

EXT.P2 TRUE COPY OF THE BIO DATA SUBMITTED BY THE SECOND PETITIONER.

EXT.P3 TRUE COPY OF THE BIO-DATA OF THE THIRD PETITIONER SUBMITTED TO THE BANK

EXT.P4 TRUE COPY OF THE CIRCULAR NO.CDO/PM/18/SPC/1900 DT.11/03/2003

EXT.P5 TRUE COPY OF THE COMMUNICATION DT.4/8/2005

EXT.P6 TRUE COPY OF THE COMMUNICATION DT.5/8/2005 ISSUED BY THE FOURTH RESPONDENT.

EXT.P7 TRUE COPY OF THE COMMUNICATION DT.6/8/2005

EXT.P8 TRUE COPY OF THE COMMUNICATION DT.12/08/2005

EXT.P9 TRUE COPY OF THE CIRCULAR ISSUED BY THE FIFTH RESPONDENT DT.04/08/2005

EXT.P10 TRUE COPY OF THE SCHEME MADE MENTION OF IN EXT.P3 CIRCULAR.

RESPONDENT(S) ' EXHIBITS : NIL

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\\TRUE COPY//

P.S to Judge

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.34078/2005**  
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Dated this the 27th day of March, 2015

J U D G M E N T

The petitioners have approached this Court feeling aggrieved by non consideration of their claim under the compassionate scheme prevailing in the State Bank of India. They are the dependents of an employee of the State Bank of India, who died-in-harness. They have applied for employment under the compassionate scheme. They were intimated that an interview was scheduled on 08/08/2005 at the office of the second respondent. However, later that interview was postponed. Since no action was taken thereafter, they have approached this Court.

2. In this matter, a counter affidavit has been filed. In para.8 it is stated as follows:

“.....In Kerala Circle itself,
many applicants who are dependents of

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employees who died/retired under medical grounds prior to 4th August, 2005 and who are eligible for appointment under the old scheme have submitted fresh applications under the new scheme and the eligible persons have received ex-gratia lumpsum payment. The Bank is also prepared to consider the claims of the petitioners' families under the new scheme for ex-gratia lumpsum payment subject to satisfaction of the criteria laid down in the scheme. As mentioned earlier, the petitioners have no right to insist upon appointment in the Bank without submitting fresh applications under the new scheme for ex-gratia lumpsum payment in lieu of the appointment, as advised by the Bank."

3. Essentially, the contention of the learned Senior Counsel for the Bank is that since new scheme has been introduced with effect from 04/08/2005, the petitioners' applications can be considered only in accordance with the new scheme. The copy of the scheme is produced as Ext.P10. The relevant condition, namely, clause 14 in the new scheme is as follows:

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"14. Date of effect of the scheme and disposal of pending applications:

The Scheme will come into force with effect from the date it is approved by the Executive Committee of the Central Board. Applications pending under the Compassionate Appointment Scheme as on the date on which this new Scheme is approved by the Executive Committee of the Central Board will be dealt with in accordance with the new Scheme for payment of ex-gratia lumpsum amount provided they fulfil all the terms and conditions of this Scheme."

4. The Hon'ble Supreme Court in **State Bank of India and another v. Raj Kumar** [2010 KHC 4194] held that the new Scheme will apply in respect of pending applications for compassionate appointment while deciding the issue related to compassionate appointment in State Bank of India.

5. In the light of the above, I am of the view that the petitioners' applications shall be considered in terms of the new Scheme within a period of two months from the date of receipt of the applications

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from the petitioners in the format prescribed under the Scheme.

The writ petition is disposed of as above. No costs.

SD/-

A.MUHAMED MUSTAQUE, JUDGE

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