

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33041/2015

B.Govindaraj

.. Petitioner

Versus

1.The Manager
State Bank of India
Pochampalli Branch
Krishnagiri Taluk
Dharmapuri District.

2.The Additional General Manager
State Bank of India
Region IV
Zonal Office
Chennai - 08

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the 2nd respondent to give the petitioner's father's job to the petitioner as he is the only son of Late V.Balaraman deceased on the compassionate ground within the prescribed time stipulated by this Court on the basis of the Compassionate Ground vide the petitioner's application dated 27.01.2003.

For Petitioner : Mr.M.Premkumar

For Respondents : Mr.P.D.Audikesavalu

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that his father was working as a Subordinate-Head Messenger in the services of the State Bank of India, RMY, Pochampalli Branch and he died in

harness on 16.03.2002, leaving behind the petitioner, his mother and his sister and since the family of the petitioner is in dire financial difficulty, he approached the 1st respondent to give appointment on compassionate ground in any one of the suitable post. In this regard, he has also submitted an application dated 27.01.2003 to the 1st respondent and it was forwarded to the 2nd respondent for consideration. The petitioner would further state that though the payment of Ex-gratia in lump sum amount on compassionate grounds, is made available vide Circular dated 04.08.2005, the petitioner was unable to apply for the same on the ground that according to the 1st respondent, it is not applicable to him and therefore, on that account also, the petitioner's family is suffering. The petitioner would claim that he is having the qualification of Diploma of Electrical and Electronic Engineering and also completed B.Tech in a Deemed University, Udaipur, Rajasthan during the year 2010-2013 and therefore, he is fully qualified to get appointment on compassionate ground and since no orders have been passed on his application dated 27.01.2003, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the application has been kept pending for nearly 12 years without being any orders passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 This Court heard the submissions of Mr.P.D.Audikesavalu, learned Standing counsel who accepts notice on behalf of the respondents. He would submit that the claim of the petitioner is guilty of delay and laches and the object of providing compassionate ground appointment is tied over due to immediate financial crisis and since the petitioner has managed without employment for nearly 13 years, he cannot claim appointment on compassionate ground and prays for dismissal of this writ petition.

5 This Court heard the rival submissions made on either side and also perused the materials placed before it.

6 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a reminder to the respondents 1 and 2 as to the non-disposal of his application seeking for appointment on compassionate ground, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2 are directed to consider the same on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

8 The writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

1.The Manager
State Bank of India
Pochampalli Branch
Krishnagiri Taluk
Dharmapuri District.

2.The Additional General Manager
State Bank of India
Region IV
Zonal Office
Chennai - 08.

+1 CC to MR.M.Premkumar Advocate. SR.NO. 57362

W.P.No.33041/2015

CO-ALA
JD 29/10/2015

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