

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.3453/2017

F.Vijay Karthik

... Petitioner

Versus

1.The Chief General Manager
Indian Overseas Bank, Central Office
No.763, Anna Salai, Chennai 600 002.

2.The Manager
Indian Overseas Bank
Palani Branch,
Dindugul District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the petitioner's representation dated 28.01.2017.

For Petitioner : Mr.M.Murugesan

For Respondents: Mr.N.G.R.Prasad for
M/s.Rao and Reddy

ORDER

सत्यमेव जयते

By consent, the writ petition is taken up for final disposal. Mr.N.G.R.Prasad, learned Counsel accepts notice on behalf of the respondents.

2 The petitioner would state that he is the son of second wife of Thiru.R.Felix Raj, who worked as a Watchman in the services of the 2nd respondent / Bank and he died in harness on 16.03.1991. Originally, the first wife of the petitioner's father, viz., Tmt.Mari Lakshmi, submitted an application on 22.03.1993 seeking appointment on compassionate ground to herself and on 01.09.1993, she has withdrawn the said

application. The mother of the petitioner has also submitted series of representations seeking compassionate ground appointment for the petitioner and since it was not considered, she had also filed WP.No.4988/2000 and it was disposed of on 19.06.2009 by this Court, observing that since the first wife of the petitioner's father is not interested in pursuing her claim for compassionate ground appointment, the request made by the petitioner may be considered. The petitioner would further aver that in the interregnum, the petitioner's mother died of cancer on 26.11.2015 and even during her life time, she was repeatedly approaching the respondents seeking compassionate ground appointment for the petitioner and unfortunately, it was not considered. The petitioner has also submitted a representation dated 28.01.2017 to the respondents praying for appointment on compassionate ground and since it has not been given disposal, he came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that since the first wife of the petitioner's father did not object to the petitioner in getting appointment on compassionate ground, there cannot be any impediment on the part of the respondents to consider the claim of the petitioner positively and therefore, prays for appropriate orders.

4 Per contra, Mr.N.G.R.Prasad, learned counsel appearing for the respondents would vehemently contend that admittedly the father of the petitioner died on 16.03.1991 and very belatedly, the petitioner came forward to submit the representation dated 28.01.2017, seeking appointment on compassionate ground and it is hopelessly barred by limitation and also hit by delay and laches and would further submit that all along the petitioner is able to manage his family affairs and as such, the prayer sought for by the petitioner cannot be granted and prays for dismissal of the writ petition.

5 This Court has considered the rival submissions and also perused the typed set of documents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents to consider and dispose of the petitioner's representation dated 28.01.2017 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

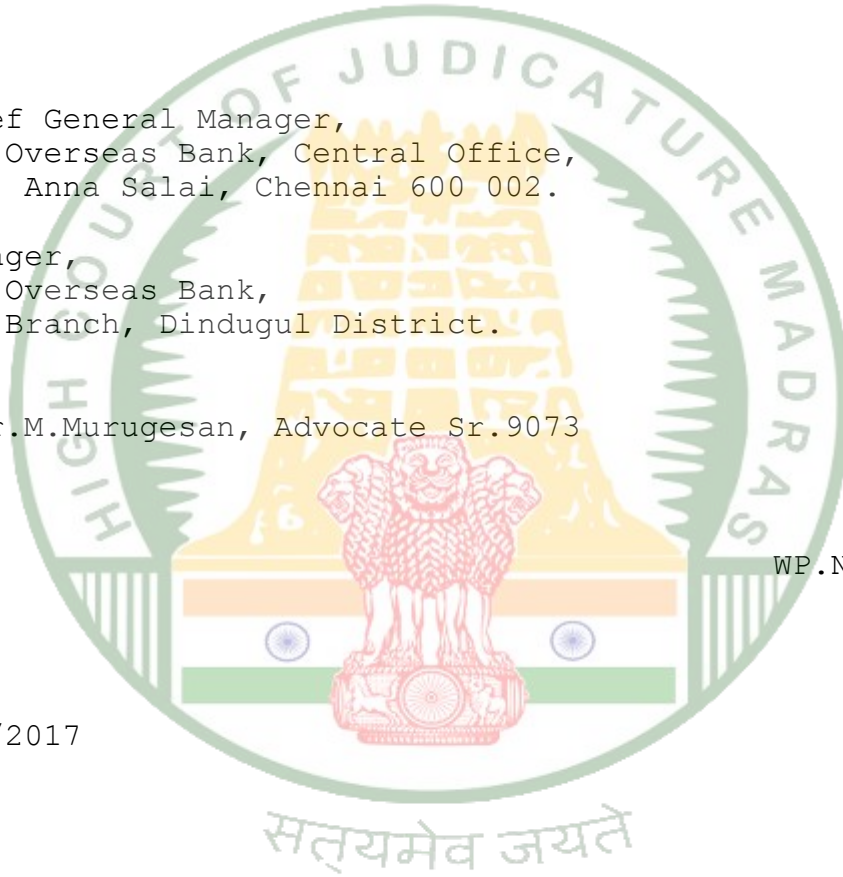
To

- 1.The Chief General Manager,
Indian Overseas Bank, Central Office,
No.763, Anna Salai, Chennai 600 002.
- 2.The Manager,
Indian Overseas Bank,
Palani Branch, Dindugul District.

+lcc to Mr.M.Murugesan, Advocate Sr.9073

WP.No.3453/2017

ak[co]
srg 27/02/2017



WEB COPY