



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.938 of 2013

RM.Annapoorani

.. Appellant/Petitioner

Vs.

1.Chairman & Managing Director,
Corporation Bank,
Corporate Office,
Mangalore.

2.The Branch Officer,
Corporation Bank,
NH-7, Main Road,
Dindigul - Madurai Road,
Andipatti (Katchaikatti).

...Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of the letter patent, against the order dated 02.04.2013 passed by the learned Single Judge in W.P.(MD)No. 7559 of 2009 on the file of this Court.

Prayer in WP(MD). 7559/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant compassionate appointment to the petitioner's son in the respondent Bank without taking note of the scheme introduced on 18/02/2006 .

For Appellant : Mr.D.Malaichamy

For Respondents: Mr.C.Godwin

JUDGMENT

[Judgment of the Court was made by G.R.SWAMINATHAN, J.]

This Writ appeal is directed against the order dated 02.04.2013 made in W.P(MD).No.7559 of 2009 filed by the appellant herein.

2. The case of the appellant is that her husband was working as an employee of respondent Corporation Bank. He expired on 14.09.2005. The appellant submitted an application to the respondent Bank requesting for compassionate appointment for her son in any suitable post. She has been submitting applications ever since. Since there was no reply, she filed W.P(MD).No.7559 of 2009 seeking a direction for grant of compassionate appointment without taking note of the new scheme that came into force on 18.02.2006. The new scheme provided for payment of ex-gratia amount in lieu of compassionate appointment. That is why the appellant wanted her case to be considered under the old scheme.

3.The learned Single Judge dismissed the Writ petition by order dated 02.04.2013. Aggrieved by the same, this intra Court appeal has been filed.

4.Heard the learned counsel appearing for the appellant and the respondent Bank.

5.The husband of the appellant passed away on 14.09.2005. Therefore the case of the appellant must be considered only in terms of the scheme that then prevailed. The new scheme came into force with effect from 18.02.2006. As per the new scheme there is a provision of ex-gratia lump sum alone and not compassionate appointment. The new scheme cannot cover the cases of deaths that took place earlier. Therefore, the learned Single Judge was not justified in taking the view that this Court cannot issue a Mandamus to the respondent bank to act contra to new scheme dated 18.02.2006.

6. The dismissal of the Writ petition is a clear case of misdirection in law. We are therefore inclined to set aside the same. The appellant is right in contending that the disbursement of terminal benefits cannot be take away the right to seek compassionate appointment, if it is otherwise available under the scheme then in operation.

7.The appellant submitted the application for compassionate appointment in time. It is not the case of the respondent bank that the appellant is not entitled to seek compassionate appointment in terms of the scheme then applicable. Since the only ground for rejecting the prayer of the appellant was that the new scheme had come into force, and since we are of the view that the



new scheme cannot come in the way of the appellant, we are inclined to allow this appeal with a direction to the respondent bank to grant Compassionate appointment in favour of the appellant's son as sought for in her application.

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8. Accordingly, this Writ appeal is allowed.No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.Chairman & Managing Director,
Corporation Bank,
Corporate Office,
Mangalore.

2.The Branch Officer,
Corporation Bank,
NH-7, Main Road,
Dindigul - Madurai Road,
Andipatti (Katchaikatti).

+1CC to Mr.D.Malaichamy, Advocate, SR.No.73999

+1CC to Mr.C.Godwin, Advocate, SR.No. 73781

W.A. (MD) No.938 of 2013
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