



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P(MD)No.7156 of 2013

Jothi Govindaraj

... Petitioner

Vs.

1.State Bank of India,
Zonal Office - Region II,
Trichy - 620001,
Represented through its
Assistant General Manager.

2.State Bank of India,
HR Department,
Local Head Office,
16, College Lane,
Chennai - 600 006,
Represented through its
Assistant General Manager (H.R)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, to call for the records of the 2nd respondent passed in its proceedings in HR/LAW/3112 dated 05.12.2012 and quash the same and direct the respondents to pay Ex-gratia lump sum amount in lieu of compassionate appointment to the petitioner and thus render justice.

For Petitioner : Mr.N.Vallinayagam
For Respondents : Mr.S.Sethuraman

ORDER

The order of rejection dated 05.12.2012 passed by the second respondent, in respect of the claim of the writ petitioner seeking ex-gratia payment, is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the petitioner states that the husband of the writ petitioner Late Shri. Govindaraj was employed as Assistant Manager in State Bank of India and passed away on 05.12.2000, while he was in service.

3. The application submitted by the writ petitioner initially seeking compassionate appointment was rejected by the respondent bank in proceedings dated 09.02.2009. On perusal of the order impugned, it is stated that the financial conditions of the family of the petitioner was not considered to be under penurious circumstances. Accordingly, the bank authorities have declined the proposal for compassionate appointment. When it was factually



found that the family of the deceased employee was not in penurious circumstances, the question of extension of scheme of companionate appointment does not arise at all. Even thereafter the writ petitioner made an application for ex-gratia payment in lieu of the companionate appointment and the same was also rejected in Proceedings dated 05.12.2012, on the ground that the date of the death of the deceased employee did not cover the scheme of ex-gratia payment and therefore as per the terms and conditions of the scheme of the ex-gratia payment, the writ petitioner is not eligible and therefore the same was also rejected.

4.This Court is of the opinion that the scheme of compassionate appointment and the order in ex-gratia payment has to be considered strictly in accordance with the terms and conditions of the scheme itself. Under such scheme or under any special scheme, concession cannot be extended or enlarged beyond its scope either by the authorities or by the Courts. The scheme being a concession has to be implemented strictly and scrupulously in accordance with the terms and conditions. In the case on hand, the death of the deceased employee took place in the year 2000 and thereafter the application seeking companionate appointment was submitted in the year 2009.

5.Thus, this Court, at this point of time, is not inclined to consider the case of the writ petitioner in contravention with the terms and conditions of the scheme of compassionate appointment, so also the scheme of ex-gratia payment. Thus, no further consideration needs to be undertaken in respect of all other grounds raised in the writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

+1cc to Mr.N.VALLINAYAGAM,Advocate,SR. 40187

+1cc to Mr.S.SETHURAMAN,Advocate,SR. 40149

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DSK

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