

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10679 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings dated 18-09-2002 of the 2nd respondent in rejecting the case of the petitioner for appointment on compassionate grounds, as arbitrary and illegal.

Heard Smt G.Madhuri, learned counsel appearing for the petitioner and Sri E.Madan Mohan Rao, learned Standing Counsel appearing for the respondent-Bank.

It is the case of the petitioner that while working as Senior Head Watchman in Circle Security Department of the respondent-Bank, her husband died on 14-07-2001 and hence, she submitted an application on 10-07-2002 seeking appointment on compassionate grounds. But, the 2nd respondent *vide* order dated 18-09-2002 rejected her case on the ground that the financial condition of the family cannot be termed as penurious. Hence, the present writ petition.

Learned Standing Counsel appearing for the respondent-Bank contends that the petitioner is receiving family pension; that the family of the deceased employee is

not suffering from financial crises; and that the 2nd respondent has considered the case of the petitioner and rightly rejected the same.

This Court is of the considered view that the impugned rejection order dated 18.09.2002 does not disclose what are the conditions which have been examined by the respondents to come to the conclusion that the financial condition of the family of the deceased employee cannot be termed as penurious. Even though the family members of the deceased employee have received the terminal benefits and are receiving family pension, the respondent-Bank cannot reject the case of the petitioner on that ground. If that argument is to be accepted, the compassionate appointment scheme itself would be defeated. Hence, ends of justice would be met if the 2nd respondent is directed to re-examine the case of the petitioner.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to re-examine the case of the petitioner and consider her case for appointment under compassionate appointment scheme and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19th September, 2018
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