

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.3213 of 2018

Amsavalli

... Petitioner

Vs

1.The Assistant General Manager HRD,
Central Bank of India, Central Office,
Human Resources Development &
Recruitment and Promotion Division,
Chander Mukhi, Nariman Point,
Mumbai - 400 021.

2.The Regional manager,
Central bank of India,
Regional Office,
No.48/49, First Floor,
Montieth Road, Egmore,
Chennai 600 008.

3.The Branch Manager,
Central Bank of India,
Kandamangalam Branch,
Mariamman Koil Street,
Sorapet,
Pondicherry- 605501.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ, Order or direction, in the nature of a Writ of Certiorarified Mandamus to call for the records pending on the file of first respondent in Letter No.Co:HRD:R&P:Ex-gratia:2015-16:149, dated 28.05.2015 rejecting the compassionate appointment and ex-gratia payment and quash the same as illegal and arbitrary and for a consequential direction or any other appropriate Writ, Order or Direction, directing the Respondent to pay the ex-gratia payment based on compassionate grounds based on the Petitioner's Appeal dated 27.12.2017.

For Petitioner : Mrs.Deepika

For Respondents 1-3 : Mr.R.Benjamin George

O R D E R

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus to call for the records pending on the file of first respondent in Letter No.Co:HRD:R&P:Ex-gratia:2015-16:149, dated 28.05.2015 rejecting the compassionate appointment and ex-gratia payment and quash the same as illegal and arbitrary and directing the Respondent to pay the ex-gratia payment based on compassionate grounds based on the Petitioner's Appeal dated 27.12.2017.

2. According to the petitioner, his father late Mr.Rangasamy worked as Drafter / Sub Staff Peon with the first respondent since 1984 and died after 28 years of service on 24.01.2012. On 16.02.2012, the wife of the deceased employee gave representation to the respondents seeking compassionate appointment. However, despite continuous follow up, the respondents did not consider the claim for compassionate appointment nor taken care of the release of ex-gratia payment. Therefore, the petitioner made another representation on 04.05.2015. On 28.05.2015, the first respondent rejected the request on the ground that the payment of ex-gratia in lieu of compassionate appointment has to be submitted within six months from the date of death of the deceased employee based on new scheme for compassionate appointment w.e.f. 05.08.2014 and the revised scheme is only applicable to the cases where death was occurred on or after 05.08.2014, whereas the death of the petitioner's father had occurred on 24.01.2012. Aggrieved by the same the petitioner had preferred an appeal on 27.12.2017 before the appropriate authority but the same was not considered in due time. Hence the Writ Petition.

3. It is not in dispute that the father of the petitioner worked for 28 years with the respondent bank and died in harness on 24.01.2012 and it is also not in dispute that immediately after death of the deceased employee, his wife made representation for compassionate appointment on 16.02.2012. Therefore, the wife of the deceased employee has rightly made representation for compassionate appointment well within the time and it is to be noted that despite continuous follow up, the request of the petitioner for providing compassionate appointment has not been considered by the respondent which prompted the petitioner to make representation on 04.05.2015 seeking either for compassionate appointment or for payment of ex-gratia amount. But the first respondent rejected the claim of the petitioner by proceedings dated 28.05.2015 impugned in the Writ Petition stating that the request for appointment of ex-gratia in lieu of compassionate appointment has to be made within a period of six months from the date of death of the

deceased employee. This reason for rejecting the claim of the petitioner in the opinion of this Court cannot be sustained since immediately after the death of the deceased employee, his wife has made representation to the respondent seeking for compassionate appointment.

4. If the respondent considered the in time representation made by the wife of the deceased employee on 16.02.2012 (i.e) within a period of one month from the date of death of the deceased employee, there would be no occasion for the petitioner to seek for payment on ex-gratia in lieu of compassionate appointment on 04.05.2015. Therefore, there is no justification on the part of the first respondent to reject the claim of the petitioner stating that the payment of ex-gratia in lieu of compassionate appointment made within six months from the date of the death of the deceased employee. Hence, the impugned order dated 28.05.2015 of the first respondent is hereby set aside. Therefore, I am of the view that the petitioners are entitled for payment of ex-gratia. Accordingly, this Court directs the respondents to consider the claim of the petitioner for ex-gratia payment in lieu of compassionate appointment as expeditiously as possible and pass appropriate orders in accordance with law, preferably within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Assistant General Manager HRD,
Central Bank of India, Central Office,
Human Resources Development &
Recruitment and Promotion Division,
Chander Mukhi, Nariman Point,
Mumbai - 400 021.

2.The Regional manager,
Central bank of India,
Regional Office,
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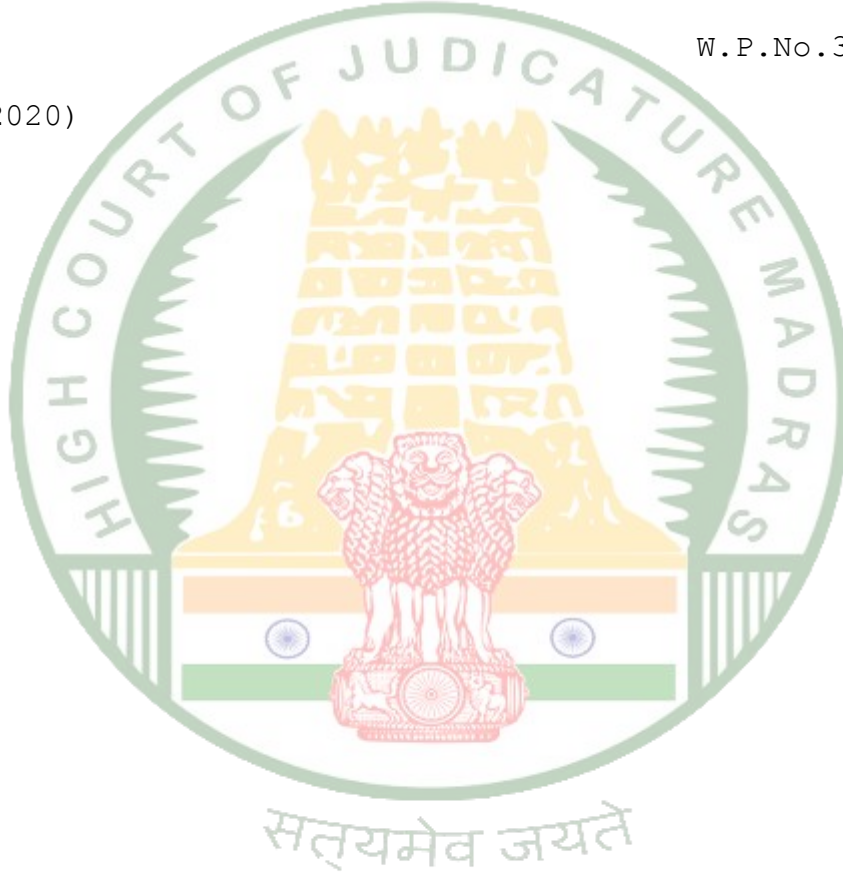
3.The Branch Manager,
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Pondicherry- 605501.

+1cc to Mrs.Deepika, Advocate, S.R.No. 89269

+1cc to Mr.Benjamin George Advocate, S.R.No. 90191 (11/03/2020)

W.P.No.3213 of 2018

GN(08/01/2020)



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