IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34603 of 2018

R.Geetha ... Petitioner

Vs

1. The Union of India,
   Rep. by its Secretary to the Government,
   Petroleum and Natural Gas Department,
   New Delhi. - 110 001.

2. The Chairman,
   Indian Oil Corporation Ltd.,
   Scope Complex, Core-2,
   No.7, Institutional Area,
   Lodhi Road, New Delhi - 110 003.

3. The General Manager (HR),
   Indian Oil Corporation Ltd.,
   Marketing Division, Southern Region,
   Indian Oil Bhavan,
   No.139, Nungambakkam High Road,
   Chennai - 600 034.

4. The Executive Director,
   Indian Oil Corporation Ltd.,
   Southern Regional Office,
   No.139, Nungambakkam High Road,
   Chennai - 600 034. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Mandamus, directing the 3rd respondent to dispose of representation of the petitioner dated 21.10.2018 to consider the request made by the petitioner for according to the benefits of superannuation benefit fund scheme (SBF scheme) to the petitioner irrespective of the benefit that petitioner exercised the third option under the above scheme and consider the petitioner for giving the benefits under the first and second option under the SBF scheme.

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For Petitioner : Mr.M.S.Viswanathan

For R1 : Mr.K.B.Arul, CGSC

For RR2 to R4 : Mr.Anand
For M/s.T.S.Gopalan & Co.,

ORDER

The grievance of the writ petitioner is that the option exercised by the writ petitioner after the demise of her husband is to be annulled and the writ petitioner may be granted permission to exercise revised option so as to claim compensation in lieu of compassionate appointment. The facts remains that soon after the death of the husband of the writ petitioner, she exercised option to get appointment on compassionate grounds. The respondent also issued an order of appointment on compassionate grounds and the writ petitioner had joined in service.

2. On account of certain family circumstances, the writ petitioner's son was not in a position to continue his services and accordingly resigned his job and thereafter the petitioner had not approached the respondents for more than 15 years. After a lapse of 15 years, the petitioner sent a communication to the respondents by stating that she would prefer to change the option already exercised for appointment on compassionate ground. Admittedly, the fact is that son of the deceased employee was appointed on compassionate grounds, and he resigned his job also. Now after a lapse of 15 year's the question of granting permission to exercise the revised option does not arise at all. This apart once an option is exercised and the benefit of compassionate appointment is granted, thereafter, the legal heirs of an employee cannot request for another option seeking compensation, which will not be sustainable under the provisions of the scheme of compassionate appointment. This being the factum of the case, the writ petitioner is not entitled to get any relief as such sought for in the present writ petition. Accordingly, the Writ Petition stand dismissed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssb/gbi

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To

1. The Secretary to the Government,
   The Union of India,
   Petroleum and Natural Gas Department,
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   Chennai - 600 034.

+1 cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.32828

+1 cc to Mr.M.S.Viswanathan, Advocate, S.R.No.33812

W.P.No.34603 of 2018

NMI(CO)
SSM(27/04/2019).

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