

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.03.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.34762 of 2018

P.R.Nagaraj

...Petitioner

Vs

1. The Chief General Manager,
State Bank of India,
Circle top office,
Chennai Local Head Office,
16, College Lane,
Nungambakkam, Chennai-600 006.

2. The Assistant General Manager,
State Bank of India,
Tiruvannamalai Branch.

3. The Manger,
State Bank of India,
Tiruvannamalai Branch.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the respondents to appoint the petitioner's as Assistant as per the petitioner qualification pursuant to the scheme for compassionate appointment in public sector banks under (w.e.f 05.08.2014 vide Ministry of Finance D.O.F.No.18/2/2013-IR dated 07.08.2014) and consider the petitioner representation dated 21.08.2018.

For Petitioner : Mr.K.Krishnan

For Respondents : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeer Ahamad

O R D E R

The relief sought for in the present writ petition is to direct the respondents to appoint the writ petitioner as Assistant, as per the petitioner's qualification pursuant to the scheme of compassionate appointment in public sector banks under (w.e.f 05.08.2014 vide Ministry of Finance D.O.F.No.18/2/2013-IR

dated 07.08.2014) and consider the petitioner representation dated 21.08.2018.

2. The learned counsel appearing on behalf of the writ petitioner states that, the father of the writ petitioner Late.Shri.K.P.Rajarathinam was employed as Head Messenger in the respondent bank and passed away on 09.01.2003, while he was in service. On account of the sudden demise of the father of the writ petitioner, the family was in penurious circumstances and the mother of the writ petitioner submitted a representation to the Manager to consider appointment on compassionate grounds to writ petitioner on 25.09.2003, which was not considered till 2006 and thereafter, the writ petitioner was pursuing the matter.

3. The grievances of the writ petitioner is that the scheme of compassionate appointment in public sector banks was issued with effect from 05.08.2014 and under the said scheme, the case of the writ petitioner is to be considered.

4. The learned Senior counsel appearing on behalf of the respondent states that, the application is to be submitted in the proper prescribed format as per the scheme and the writ petitioner has not yet submitted any such application nor such application in the prescribed format had been received by the respondent. The said submission is made based on the averments setout in the counter affidavit filed on behalf of the respondent. More specifically, in paragraph No.12, which reads as under:-

"12. The petitioner's prayer that he should be appointed as an assistant in terms of the scheme for compassionate appointment in public sector banks effective from 05.08.2014 cannot be considered as it can be applied by the eligible dependent within 5 years from the date of death of the employee and in exceptional circumstances it can be considered even after 5 years. So far, the petitioner has not filed application under the said scheme. Therefore, his prayer in the writ petition for appointment in terms of the scheme for compassionate appointment in public sector banks effective from 05.08.2014 cannot be claimed as a matter of right."

5. In view of the fact that the writ petitioner has not filed application under the said scheme of the year 2014, the present writ petition deserves no further consideration. Writ petitioner is at liberty to submit a proper application in prescribed format and in the event of receiving any such application, the respondents are bound to consider the same and pass appropriate orders on merits and in accordance with law and strictly in compliance with the terms and conditions of the scheme.

6. With these observations, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Chief General Manager,
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Nungambakkam, Chennai-600 006.
2. The Assistant General Manager,
State Bank of India,
Tiruvannamalai Branch.
3. The Manger,
State Bank of India,
Tiruvannamalai Branch.

+1cc to Mr.A.Sivaji, Advocate, S.R.No.23297

W.P.No.34762 of 2018

VP (CO)

RRS (29/04/2019)

सत्यमेव जयते
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