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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A.(MD).No.343 of 2019

and

C.M.P(MD).No.2764 of 2019

against

WP(MD).No.18055 of 2017

Uma Maheswari

...Appellant/Petitioner

Vs.

1. The Chairman & Managing Director,
Canara Bank Head Quarters,
No.112,, J.C.Road,
Bangalore.
2. The General Manager (Personal),
Canara Bank, Head Quarters,
No.112, J.C.Road,
Bangalore.
3. The Deputy General Manager,
Canara Bank, HRM Section,
Circle Office/HO SA/SAS, INSP WING,
East Veli Street,
Madurai - 1.
4. The Assistant General Manager,
Canara Bank, HRM Section,
Circle Office/HO SA/SAS, INSP WING,
East Veli Street,
Madurai - 1.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to set aside the order dated 22.09.2017 made in W.P(MD).No.18055 of 2017 on the file of this Court and allow the above writ appeal.

Prayer in WP(MD). 18550/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 2nd respondent to forward the representation of the petitioner dated 23.06.2014 & 13.01.2015 to the 1st respondent and consequently direct the 1st respondent to pass orders on the said representations within the time that may be stipulated by this Honble Court.



For Appellant
For Respondents

: Mr.A.Rajini
: Mr.M.Muthukumaran

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal by the Writ Petitioner is directed against the order dated 22.09.2017 made in W.P.(MD)No.18055 of 2017.

2. The request made by the appellant for grant of appointment on compassionate grounds in the respondent Bank, on account of the demise of her father has been rejected on the ground that she is a married daughter. The correctness of the said decision was put to challenge in the Writ Petition and the writ petition has been dismissed.

3. So far as the guidelines for compassionate appointment in the State of Tamil Nadu is concerned, G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020 has been issued, in which, whose legal heirs are eligible for appointment on compassionate ground has been specified and there are six such categories and categories are to follow in the said order of precedents. Category No.3 includes married daughters of the deceased Government servant, who is otherwise eligible to be considered for compassionate appointment. However, we are concerned about the case of an employee of a Nationalized Bank to which the guidelines issued by the State Government are not applicable. In terms of the guidelines issued by the Government of India, a circular has been issued by the respondent bank in Circular No.143/2015 dated 20.03.2015 and in terms of clause 3.1 of the said circular, which defines Dependent Family Member in which, married daughter has not been included. If the married daughter is not a dependent, in terms of the guidelines of the Scheme of the respondent Bank, which is by way of implementation of the Government of India instructions, then the Writ of Mandamus cannot be issued to violate the guidelines and grant appointment to the appellant. This is more so because, the category of appointment on compassionate ground itself is an exception to the Constitutional provisions contained in Articles 14 & 16, which provide that there can be no discrimination in Public employment. The object of the scheme is to overcome the financial crisis, which will be put to on account of the demise of the breadwinner. Therefore, the appointment on compassionate ground is not a separate source of recruitment. In the light of the above, the relief sought for by the appellant cannot be granted.

4. Accordingly, we confirm the order passed in the Writ Petition and for the reasons assigned by us above, this Writ Appeal



stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

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/ /2021

Sub Assistant Registrar(CS)

kmm/sm

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

+1 CC to M/s.M.MUTHUKUMARAN, Advocate (SR-21598[F] dated 08/07/2021)

W.A. (MD) .No.343 of 2019
and

C.M.P (MD) .No.2764 of 2019

Dated:
06.07.2021

TP (CO)

KB(16.07.2021) 3P 2C