



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) .No.46 of 2019

and

W.M.P.No.26 of 2019

WEB COPY

G. Manjula

... Petitioner

Vs.

1. Chief General Manager,
State Bank of India, LHO, Chennai.

2. The Regional Manager,
State Bank of India, Region IV, Zonal Office, Madurai

3. The Deputy General Manager, (B&O),
State Bank of India,
Human Resources Section, Network -2,
Administrative Office, Madurai Cluster, Madhura Complex,
2, Dr. Ambedkar Road,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating with the order of the third respondent dated 09.08.2016 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to give compassionate appointment to the petitioner.

For Petitioner	:	Mr. R. Suriya Narayanan
For Respondents	:	Mr. V. P. Rajan for R2 and R3

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 09.08.2016, passed by the third respondent and to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds.

2. The case of the petitioner is that the petitioner's husband died in an accident on 22.05.2016 while he was returning to home. Due to the sudden demise of her husband, she immediately submitted an application to the third respondent to consider her for compassionate appointment. However, on 09.08.2016, the application was rejected by the third respondent, on the ground that as per the Compassionate Appointment Scheme, it is applicable only to employees who died within five years of first appointment or before reaching the age of 30 years. The petitioner assailed the said order, filed the present Writ Petition before this Court.

3. Mr. V.P.Rajan. the learned Standing Counsel for the



respondents 2 and 3 would submit that the Indian Bank Association has framed a Scheme for providing compassionate appointment to the legal heir of the deceased employee to rescue their family from indigent circumstances and the Scheme was replaced with a new Scheme namely SBI Scheme for payment for Ex Gratia with effect from 04.08.2005 and another Scheme for providing compassionate appointment in exceptional cases with effect from 27.12.2014. The relevant paragraphs of the Scheme are extracted hereunder:

A. Where an employee died while performing official duty, as a result of violence, terrorism, robbery or dacoity; or

B. Where an employee died within five years of first appointment or before the age of 30 years, whichever was later, leaving a dependant spouse and/or minor children.

4. He further submitted that according to the Scheme, at the time of death, the deceased employee should be below 30 years or the death should have occurred within five years of first appointment. In the case on hand, petitioner's husband was aged about 47 years at the time of death. Therefore, the third respondent passed an order dated 09.08.2016 rejecting the claim of the petitioner stating that she is not entitled for compassionate appointment as per the Scheme. However, she is entitled for payment of Ex-Gratia under the Scheme. The said order is under challenge in the present Writ Petition.

5. Subsequent to the rejection order passed by the third respondent, the petitioner has submitted an application in the month of October 2016, for Ex gratia payment as per the Scheme (this fact was not disclosed in the affidavit filed by the petitioner). Thereafter, the application submitted by the petitioner was processed by respondent bank and they sanctioned Ex Gratia lump sum amount of Rs.10,00,000/- to her and the aforesaid amount was released to her on 31.01.2018.

6. On considering the facts of the case, this Court is of the view that there are no merits in the case on hand. Therefore, the writ petition stands dismissed. No order as to costs.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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and

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