



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
W.P. (MD) No.6493 of 2018

K.Sankara Gomathi

... Petitioner

Vs.

1.The General Manager,
Canara Bank, PM Section,
Personnel Management Wing,
112, J.C.Road, Head Office,
Bangalore - 2.

2.The Deputy General Manager,
Canara Bank, H.R.M.Section,
Circle Office,
East Veli Street,
Madurai.

3.The Chief Manager,
Canara Bank,
Beach Road,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned orders vide letter No.MDUC HRM 2210 COMP.APPT E9 2017, dated 17.04.2017 regarding compassionate appointment and vide letter No.MDUC HRM 5227 E9 2017, dated 23.10.2017 regarding payment of Exgratia and quash the same as arbitrary, unlawful, illegal, improper and unconstitutional and consequently direct the 1st respondent to provide employment on compassionate grounds to petitioner's son B.Suresh Balaji (aged about 26 years) and also to pay the lump sum amount of Exgratia.

For Petitioner	:	Mr. R.Murugan
For Respondents	:	Mr. Pala Ramachamy
		Standing Counsel for R2
	:	No Appearance for R1 & R3



O R D E R

This Writ Petition has been filed challenging the impugned orders dated 17.04.2017, regarding compassionate appointment and 23.10.2017, regarding payment of ex gratia and for a consequential direction to first respondent to provide employment on compassionate ground to petitioner's son B.Suresh Balaji (aged about 26 years) and also to pay the lump sum amount of Exgratia.

2. The case of the petitioner is that her husband viz., Balasubramanian, was appointed as Peon in Canara Bank, Town Branch, Tirunelveli and subsequently, he was promoted as Clerk and posted to Beach Road Main Branch, Thoothukudi. The petitioner's husband died on 04.07.2015, while he was in service, leaving behind the petitioner, his son and his daughter. The petitioner submitted an application on 31.12.2015, seeking compassionate appointment to her son viz., Suresh Balaji. However, the petitioner's request was rejected on the ground that her son is employed and the financial condition of the family is satisfactory. Thereafter, the petitioner made an application on 20.10.2017, seeking ex-gratia amount. However, the said application was rejected on the ground that the petitioner has not fulfilled the scheme norms. Challenging the aforesaid impugned orders, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the respondents without assigning any reasons, passed the impugned orders. Therefore, the same are liable to be set aside.

4. The learned Standing counsel appearing for the respondents bank submitted that the petitioner's son viz., Suresh Balaji is employed and the financial condition of the petitioner's family is satisfactory and there is no mitigating factors for considering the said request. With regard to ex-gratia payment is concerned, the petitioner has not fulfilled the scheme norms. Hence, the respondents have rightly rejected the request of the petitioner and therefore, the impugned orders do not warrant interference.

5. I have anxiously considered the rival submissions and perused the materials available on record.

6. The petitioner's husband was employed under the third respondent bank and he died on 04.07.2015, while he was in service. The petitioner, who is the wife of the deceased employee, has submitted an application on 31.12.2015, seeking compassionate appointment to her son Suresh Balaji. The said application was rejected. Again, the petitioner made an



application on 20.10.2017 for ex gratia payment. The said application was also rejected by the respondents bank.

7. On a perusal of the impugned orders passed by the respondents, it is seen that both the orders have been passed without assigning any reason. In the counter affidavit, the reasons have been stated by the respondents. However, no factual materials have been placed in the counter affidavit by the respondents bank. In the counter, it is also stated that the petitioner's son was drawing a sum of Rs.10,000/- as monthly income. Therefore, the respondents bank stated that the petitioner is not entitled to get an appointment on compassionate ground for the reason that the petitioner has not satisfied the scheme norms. Hence, this Court has come to the conclusion that the respondents bank has rightly rejected the request of the petitioner for compassionate appointment.

8. Insofar as the impugned order dated 23.10.2017, with regard to the payment of ex gratia is concerned, this Court is inclined to quash the same, as no opportunity has been granted to the petitioner to put forth her contentions. Accordingly, the impugned order dated 23.10.2017 is quashed and the matter is remitted back to the second respondent for fresh consideration. The second respondent is directed to consider the petitioner's application dated 20.01.2017 and pass a reasoned order, after providing an opportunity to the petitioner, as expeditiously as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

In the result, this Writ Petition is partly allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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.



To

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3.The Chief Manager,
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Thoothukudi District.

+1 CC to M/s.R.MURUGAN, Advocate (SR-25455[F] dated 06/08/2021)

W.P. (MD) No.6493 of 2018

05.08.2021

CN(17.08.2021) 4P 5C