



WEB COPY

W.P.No.24694 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24694 of 2016

J.Banumathi

...Petitioner

Vs.

1. The Chief Manager,
Indian Overseas Bank,
Leigh Bazaar Branch,
No.5, 1st Floor,
VSA Commercial Complex,
Near New Bus Stand, Salem-636 004.

2. The General Manager,
Indian Overseas Bank,
Personal Administration Department,
Central Office, Chennai-600 002.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 29.10.2013 and quash the same and consequently direct the 1st respondent to entertain the application dated 11.09.2013 after condoning the delay.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.K.Srinivasa Murthy



ORDER

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The order of rejection dated 11.09.2013, rejecting the claim of the writ petitioner for grant of compensation of ex-gratia payment in lieu of compassionate appointment is under challenge in the present writ petition.

2. The petitioner states that her husband Late Mr.T.V.Jaganmohan was employed as Assistant Manager in the Indian Overseas Bank and died on 12.03.2012. As per the scheme prevailing during the relevant point of time, the family of the deceased employee is entitled for ex-gratia payment in lieu of compassionate appointment, and in this regard, the petitioner submitted an application on 11.09.2013 and the said application was rejected merely on the ground that it was submitted after a period of one year.

3. The learned counsel for the respondent made a submission that the petitioner would be eligible to receive ex-gratia payment, subject to the fulfilment of the terms and conditions of the scheme. However, in the present case, the application was rejected on the ground that it was submitted after a lapse of one year.



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4. It would be harsh to reject such application merely on the ground that it was submitted after a period of one year, in view of the fact that the ex-gratia payment is paid on account of the sudden death of an employee while in service. Thus, the reasons furnished for rejection of the application is extremely harsh and thus, this Court is inclined to consider the writ petition.

5. Accordingly, the impugned order passed by the 1st respondent in proceeding dated 29.10.2013 is quashed and the respondents are directed to consider the application submitted by the writ petitioner for grant of ex-gratia payment in lieu of compassionate appointment on merits and in accordance with law and further take a decision and pass appropriate orders within a period of 8 weeks from the date of receipt of a copy of this order.

6. Consequently, the Writ Petition stands allowed. No costs.

30.09.2022

Index : Yes
Speaking order
sha/jeni

S.M.SUBRAMANIAM, J.



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Sha/Jeni

To

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