



WEB COPY

W.P.No. 29989 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.10.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No. 29989 of 2018**

Kaliyammal

... Petitioner

Vs.

The Deputy General Manager (B&O),  
State Bank of India,  
NW-2, Kurinji Complex,  
State Bank Road, Coimbatore – 641018.

... Respondent

**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the respondent pertaining to the impugned rejection in HR/FUNDS/5086 dated 14.09.2017 and quash the same and Consequently direct the respondent to provide suitable employment to the petitioner daughter Mrs. B. Dhanu and to save her family from the social draught.

For Petitioner

: Mr. P. Vijendran

For Respondent

: Mr. K. Chandrasekaran



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W.P.No. 29989 of 2017



## **ORDER**

The order dated 14.09.2017, rejecting the claim of the writ petitioner for compassionate appointment, is under challenge in the present writ petition.

2. The petitioner states that her husband late P. Bose was working as Senior Head Cook with the State Bank of India, Coimbatore Branch. The husband of the writ petitioner died on 15.08.2016, while he was in service. On account of the sudden death of the husband of the writ petitioner, the family was in indigent circumstance and therefore, she submitted an application seeking appointment on compassionate grounds. The application was rejected by the respondent on the ground that the petitioner is not eligible for compassionate appointment as per the SBI Scheme for compassionate appointment in exceptional circumstances. As per the scheme, applicable to the State Bank of India coverage has been stipulated in Circular dated 27.12.2014, which reads as under:



*'5. Coverage:*

*5.1. To a dependent family member of permanent employee of the Bank who*

*(i) dies while performing official duty, as a result of violence, terrorism, robbery or dacoity.; or*

*(ii) dies within five years of first appointment or before reaching the age of 30 years, whichever is latter, leaving a dependant spouse and/or minor children.*

*5.2. For the purpose of the Scheme, "employee" would mean and include only a confirmed regular permanent employee who was serving full time or part-time on scale wages, at the time of death under the exceptional circumstances and does not include any one engaged on contract/temporary/casual or any person who is paid on commission basis. "*

3. The petitioner does not fall under any one of the two categories stipulated under the Scheme for compassionate appointment. Thus, the case of the writ petitioner was rejected. If at all the petitioner is eligible for ex gratia payment in lieu of compassionate ground, the petitioner is at liberty to submit an application, which is to be considered by the competent authorities on merits and in accordance with law. As far as compassionate appointment is concerned, it is to be granted strictly in accordance with the terms and conditions of the Scheme, which is in force. Compassionate appointment is a concession and thus, cannot be claimed as an absolute right. The petitioner is found not eligible with reference to the terms and



conditions stipulated under the coverage clause and thus, this Court did not find any infirmity in respect of the order passed by the respondent.

Consequently, the writ petition stands dismissed. No costs.

**19.10.2022**

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

The Deputy General Manager (B&O),  
State Bank of India,  
NW-2, Kurinji Complex,  
State Bank Road, Coimbatore – 641018.

**S.M.SUBRAMANIAM, J.**



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