



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5097 of 2020

A.Gunaseeli Fathima

... Petitioner

-vs-

The Deputy General Manager,
State Bank of India,
HR.Section,
Administrative Office,
Tiruchirappalli Zone,
State Bank Road,
Tiruchirappalli-620 001.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order dated 30.09.2019 passed by the respondent vide his proceedings in AO:TRY:HR:Funds: 2019-20/471/413 and to quash the same as illegal and consequently directing the respondent to pay the Ex-gratia lumpsum amount entitled to the petitioner within the time that may be fixed by this Court.

For Petitioner : Ms.K.R.Shivashankari

For Respondent : Mr.V.P.Rajan

O R D E R

The order of rejection for payment of ex-gratia lumpsum amount in proceedings dated 30.09.2019 is under challenge in the present writ petition.

2.The petitioner has filed this writ petition at the age of 70 years stating that her husband Mr.K.S.Adaikalasamy was working as Godown Keeper, State Bank of India, Tiruchirappalli Branch and died in harness on 27.03.2000. Immediately, the petitioner submitted an application for compassionate appointment to provide an appointment to the son of the petitioner. However, the said application was



rejected on the ground that the family was not in indigent circumstances. However, the said order of rejection for compassionate appointment was not challenged during the relevant point of time in the year 2004. Thereafter, the petitioner submitted an application for payment of ex-gratia in lieu of compassionate appointment. The said scheme itself was implemented in the year 2005 by the State Bank of India. However, the employee died on 27.03.2000 well before the implementation of the ex-gratia payment scheme in lieu of compassionate appointment.

3.The date of death of an employee is to be considered for the purpose of determining the eligibility of the legal heirs to get the ex-gratia payment. The said legal principle is well settled by the Hon'ble Supreme Court in the case of **Secretary to Government, Department of Education (Primary) and Others vs. Bheemesh Alias Bheemappa** reported in **2021 SCC OnLine SC 1264**.

4.In view of the fact that as on the date of death of the employee, the scheme of ex-gratia payment was not available and further the application submitted for compassionate appointment was rejected in the year 2004, which was not challenged by the petitioner, the claim of the petitioner cannot be considered in a writ proceedings more so, after a lapse of so many years.

5.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-8485[F] dated 24/02/2022)

W.P.(MD) No.5097 of 2020
23.02.2022

MGJ(07.03.2022) 2P 2C