



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9779 of 2021

and

W.M.P. (MD) No.7506 of 2021

WEB COPY

Lakshmipriya

... Petitioner

vs.

- 1.The Zonal Manager
Punjab National Bank
PNB Towers
No.46-49, 4th & 5th Floor
RH.Road, Royapettah
Chennai-600 014
- 2.The Branch Manager
Punjab National Bank
Pudukkottai Branch
Pudukkottai
- 3.The Inspector of Police
Ganesh Nagar Police Station
Pudukkottai
- 4.The Inspector of Police
Manamelkudi Police Station
Pudukkottai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to disburse the petitioner father's death benefit and to appoint her on compassionate ground considering the application dated 09.01.2021 within the time stipulated by this Court.

For Petitioner : Mr.Ramu.M.

For Respondents : Mr.Anand C.Rajesh for R1 & R2
Mr.D.S.Nedunchezian
Government Advocate for R3 & R4



O R D E R

The relief sought for in this writ petition is to direct the respondents 1 and 2 to disburse the death benefits of the petitioner's father and to appoint her on compassionate grounds.

2. The father of the petitioner Marimuthu was working as Office Assistant in the second respondent - Bank. The mother of the petitioner is an LIC Agent. The petitioner is a B.Sc., graduate. On 28.04.2019 at about 03.30 p.m., the father and mother of the petitioner went out for official work in the car bearing registration No.TN81 Y1320 belongs to them. Thereafter, the petitioner's father sent back her mother to home saying that he had further work and would come later. Thereafter, the petitioner's father did not return back to home and found missing. With regard to missing of the petitioner's father, a criminal case was registered under Section 174 Cr.P.C., and the complaint given by the respondent - Bank regarding stolen of gold weighing 15 Kgs., worth about Rs.4.84 Crores was also registered by the Police in Crime No.118 of 2019.

3. The learned counsel for the petitioner mainly contended that under the scheme of compassionate appointment applicable to the respondent - Bank, the petitioner is eligible to get appointment in view of the fact that the case of missing employee is also covered under the scheme of compassionate appointment. Once the petitioner satisfies the conditions stipulated under the scheme, she is eligible to get appointment on compassionate grounds. Relying on the scheme of compassionate appointment applicable to the respondent - Bank, the learned counsel for the petitioner reiterated that the father of the petitioner went missing for more than two years and therefore, the scheme would be applicable to the petitioner and she has produced all the documents to establish that her father is missing and thus, compassionate appointment is to be provided to her.

4. The learned counsel appearing for the respondent - Bank objected the said contention by stating that the case of the respondent - Bank is that the father of the petitioner was working as Office Assistant and even as per their own statement, they own a car and possess own house and hence, they are not in indigent circumstance. As per the eligibility clause, the family of the deceased employee must be in indigent circumstance and only for the deserving family, compassionate appointment is to be provided. It is further contended that there is an allegation of theft of 15 Kgs., of gold worth about Rs.4.84 Crores and the involvement of the petitioner's father is also under investigation by the Police. Under these circumstances, the learned counsel for the respondent - Bank made a submission that in view of the fact that the allegations



levelled against the petitioner's father are very serious in nature and the respondent - Bank has also registered a case, which is pending investigation, the benefit of the scheme of compassionate appointment cannot be extended to the petitioner as it requires verification of indigent circumstance and *prima facie*, the family of the petitioner is not in indigent circumstance.

5. This Court is of the considered opinion that the case on hand is not a routine case. In the case on hand, there are serious allegations against the petitioner's father, who was working as Office Assistant in the respondent - Bank and went missing. Even as per the statement of the petitioner, her mother is working as LIC Agent and both went out in their own car and the learned counsel for the respondent - Bank submitted that the petitioner's family possess own house also. When the petitioner's mother is also gainfully employed, then reasonably one can form an opinion that there is no indigent circumstance existing. However, all such factors are to be enquired by the Bank Authorities for the purpose of considering the application submitted by the petitioner.

6. Considering the facts and circumstances of the case, this Court is of the considered opinion that the application submitted by the petitioner is to be looked into and appropriate decision is to be taken in consonance with the scheme of compassionate appointment. However, in the present case, there are certain complex factors with reference to the missing of Office Assistant working in the respondent - Bank with gold jewels weighing 15 Kgs., worth about Rs.4.84 Crores on the other hand.

7. In view of the facts and circumstances of the case on hand, it is left open to the respondent - Bank to consider all the mitigating factors and take appropriate decision on merits and in accordance with law as expeditiously as possible.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Krk

To:

1. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

+1 CC to M/s.ANANTH C RAJESH, Advocate (SR-9857[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-10211[F] dated 04/03/2022)

+1 CC to M/s.M.RAMU, Advocate (SR-9888[F] dated 03/03/2022)

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RD(16.03.2022) 4P 6C