



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16844 of 2019

WEB COPY

M.Subash Milton

... Petitioner

vs.

1.The Chairman and Managing Director
Indian Overseas Bank
Central Office, Post Box No.3765
763, Anna Salai, Chennai

2.The Deputy General Manager
Human Resources Management Department
Indian Overseas Bank
Central Office, Post Box No.3765
763, Anna Salai, Chennai

... Respondents

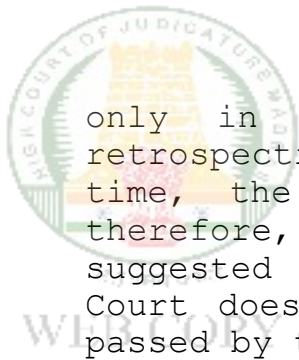
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order of the second respondent in Ref:HRMD/178/C1/10/2019-20, dated 04.07.2019 and quash the same and consequently direct the respondents to provide the petitioner an employment on compassionate ground.

For Petitioner : Mr.P.P.Alwin Balan
For Respondents : Mr.N.Dilip Kumar

O R D E R

The impugned order dated 04.07.2019, passed by the respondent - Bank states that the family of the petitioner is eligible only for *ex gratia* payment as they are not falling under the scheme of compassionate appointment.

2. The father of the petitioner Late.M.V.Mariyadasan was employed as Sweeper in the respondent - Bank and died on 27.10.2006 while he was in service. The mother of the petitioner initially submitted an application seeking compassionate appointment. Since during the relevant point of time no scheme for compassionate appointment was in force as far as the respondent - Bank is concerned, they suggested the the petitioner to submit application for *ex gratia* payment as she is eligible only for *ex gratia* not for compassionate appointment. However, the petitioner submitted application in the year 2013. Even then, the petitioner is not eligible for compassionate appointment as the scheme for compassionate appointment was introduced in the respondent - Bank



only in the year 2015 and it cannot be implemented with retrospective effect. This apart, during the relevant point of time, the scheme for payment of *ex gratia* was in force and therefore, the petitioner is eligible only for *ex gratia* payment as suggested by the respondent - Bank in the impugned order. This Court does not find any error or infirmity in the impugned order passed by the respondent Bank.

3. Accordingly, the petitioner is directed to submit application to the respondent - Bank for *ex gratia* payment forthwith and on submission of application by the petitioner, the respondents are directed to consider the petitioner's case in accordance with his eligibility as well as the scheme for *ex gratia* payment and pass appropriate orders as expeditiously as possible.

4. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Krk

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-5116[F] dated 09/02/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-4862[F] dated 08/02/2022)

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