



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.2457 of 2018

and

W.M.P. (MD) .Nos.2657 and 2658 of 2018

N.Kalavathi

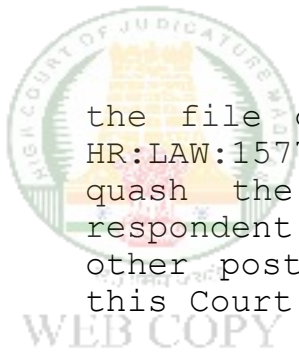
... Petitioner

Vs.

- 1.The Deputy Managing Director & Corporate Development Officer,
State Bank of India,
Corporate Centre, Mumbai.
- 2.The Chief General Manager,
State Bank of India,
Local Head Office, 'Circletop House'
16, College Lane,
Chennai-600 006.
- 3.The Assistant General Manager (HR),
State Bank of India,
HR Department,
Local Head Office, 'Circletop House'
16, College Lane,
Chennai-600 006.
- 4.The Regional Manager, Region-III
State Bank of India,
Region-3, Administrative Office,
Tiruchirappalli Zone,
McDonalds Road,
Tiruchirappalli-620 001.
- 5.The Branch Manager,
State Bank of India,
Alangudi Branch (Code-1311),
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in circular No.CDO / P & HRD-PM / 65 / 2014-15 dated 27/12/2014 on



the file of the first Respondent and its consequential Order in HR:LAW:1577 dated 12/09/2016 on the file of the third respondent and quash the same as illegal and consequently direct the third respondent to appoint the petitioner for the post of Clerk or any other post on compassionate ground within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Ponniah

ORDER

This Writ Petition has been filed to quash the circular dated 27.12.2014 and the consequential order dated 12.09.2016 and consequently direct the third respondent to appoint the petitioner for the post of Clerk.

2. The brief facts of the case are that the petitioner is claiming compassionate appointment due to the death of her husband namely, K. Naganathan who had served as Assistant Manager in State Bank of India, Alangudi Branch. The petitioner's husband died on 24.06.2016 and he has put in service for more than 8 years. The petitioner has challenged the conditions stipulated in the circular wherein it has been stated as under:

- 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 dependent spouse and/or minor children.*

3. The contention of the petitioner is that the second condition stated in the said circular was put to challenge before the Punjab and the Haryana Court. The petitioner relied on the judgment rendered in C.W.P. No. 26213 of 2016 dated 07.11.2017 in the case of Mayadevi Vs. State of Patiyala and others.

4. The learned counsel for the respondents filed a counter along with the typed set of papers contended that the petitioner is either eligible for the ex-gratia amount or for compassionate appointment. The petitioner has received ex-gratia amount on 03.08.2016 itself. The petitioner has filed this writ petition on 06.02.2018 after receiving the ex-gratia amount. Therefore, the petitioner has not come with the clean hands and has suppressed the facts of receiving the ex-gratia amount.

5. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.M.Ponniah, learned counsel for the respondents.



6. The learned counsel for the respondents submitted that against the order passed in by the Punjab and Haryana Court, the SLP is preferred and stay was obtained and the case is still pending.

7. On perusal of the records it is seen that the petitioner is either eligible for ex-gratia amount or for compassionate appointment. In the present case, the petitioner has received the ex-gratia amount on 03.08.2016 itself. Then the petitioner is not entitled to compassionate appointment. The petitioner has challenged the conditions stipulated in the circular. Since the petitioner has received the ex-gratia amount, therefore, this Court is not inclined to entertain this Writ Petition for challenging the circular. The issue is left open. If there is any appropriate case, the petitioner is at liberty to challenge it in a proper forum.

8. Moreover, the compassionate appointment cannot be claimed as a right. Now-a-days, the compassionate appointment has become one of the mode of recruitment and the government is maintaining a seniority list. Hence the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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2.The Chief General Manager,
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3.The Assistant General Manager (HR),
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HR Department,
Local Head Office, 'Circle Top House'
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4.The Regional Manager, Region-III
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5.The Branch Manager,
State Bank of India,
Alangudi Branch (Code-1311),
Pudukkottai District.

+1 CC to M/s.M. PONNIAH, Advocate (SR-20219[F] dated 21/04/2022)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-20332[F] dated
22/04/2022)

**W.P. (MD) .No.2457 of 2018
20.04.2022**

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