



WP.No.16780 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.16780 of 2010

R.Amsaveni Palani

...

Petitioner

Vs.

1. The Deputy General Manager,
State Bank of India,
Personnel Section,
Zonal Office,
Chennai.

2. The Chief Manager,
State Bank of India,
Service Branch,
Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to issue a direction in Respondents the Ex-gratia payment of Rs.7,00,000/- as per Rules and Regulations, Bank to pay on account of death of the petitioner's husband G.Palani Employee No.3042, designated as Assistant (Records) together with interest @ 12% per annum from the date it becomes payable viz.,



WP.No.16780 of 2010

09.01.2000.

WEB COPY

For Petitioner : Mr.M.Mushtaq Ahmed
For respondents : Mr.C.Mohan,
Ms.A.Rexy Josephine Mary for
M/S.King & Partridge, for SBI

ORDER

A direction is sought for that the Respondents Bank to pay the ex-gratia payment of Rs. 7,00,000/- as per the Rules and Regulations of the State Bank of India, on account of the death of G. Palani, Employee No.3042, worked as Assistant (Records), together with interest @ 12% per annum from the date when it becomes payable, namely 09.01.2000.

2. The petitioner, Mrs.R.Amsaveni Palani, wife of the late G.Palani submits that her husband, G. Palani, originally joined in service on 06.06.1973 with the Respondents Bank as a messenger, and he was designated as an assistant (records) in the Service Branch of the said bank. On 09.01.2000, he died in harness due to jaundice,



WP.No.16780 of 2010

WEB COPY

leaving behind her two daughters, namely Mrs.P.Durgadevi and P.Rajeswari, an unmarried daughter, and his unmarried son, Mr.P.Sridhar, as his legal heirs. At the time of her husband's death, he had no assets and was left with a huge liability amounting to more than Rs. 4.323 lakhs with the bank.

3. She would further submit that her son's request for a compassionate appointment was turned down on flimsy grounds by the respondents, and the same was not challenged before the appropriate authority. She would further submit that her son P. Sridhar submitted an application for payment of ex-gratia, which was duly received by the concerned bank official, and the same was turned down by the bank, stating that he had applied for the said ex-gratia payment after the expiry of six months from the date of death of the employee.

4. It is further averred that since the petitioner's son's request for an appointment on compassionate grounds was turned down only after



WP.No.16780 of 2010

a period of one year and 11 months, the delay in seeking ex-gratia payment was brought to the notice of the respondents.

5. Heard Mr.M.Mushtaq Ahmed, the learned counsel for the petitioner, and Mr.C.Mohan, the learned counsel for respondents 1 and 2, and also perused the materials available on record.

6. The petitioner's husband, G. Palani, was working with Respondents Bank as an assistant (records) and died on 09.01.2000. A request for compassionate appointment was placed by the petitioner's son, was rejected by the respondents. However, on what date her son submitted application for compassionate appointment is not mentioned in the affidavit.

7. The proceedings dated 19.05.2008 of the respondent is extracted hereunder:

"...

SBI SCHEME FOR PAYMENT OF EX- GRATIA LUMP SUM
AMOUNT ON COMPASSIONATE GROUNDS
SHRI G.PALANI, ASST. (RECORDS) DECEASED ON



WP.No.16780 of 2010

WEB COPY

19.01.2001 SERVICE BRANCH, CHENNAI.

With reference to the above, the time limit for submission of application for consideration of ex-Gratia lump sum amount will expire after six months from the date of death of the employee.

2.As such we return herewith the application for ex-Gratia lump sum amount on account of belated submission.

..."

8. A scheme for the compassionate appointment of dependents of deceased employees was introduced in the bank with effect from January 1, 1979. Amendments and modifications to the scheme have been carried out from time to time on the basis of government advice. The last amendments and modifications were made with the approval of the ECCB on 24.01.2003 which was circulated via circular letter no. CDO/PM/18/SPL/1900 dated 11.3.2003. As per the terms of the said scheme, the bank has been considering employment on compassionate grounds for the dependents of employees dying while in service and also for the dependents of employees retiring on medical grounds, provided they are below 55 years of age at the time of retirement.



WP.No.16780 of 2010

WEB COPY

9. The petitioner's husband, G.Palani, died on 09.01.2000.

Meanwhile, the State Bank of India scheme for payment of the ex-Gratia lump sum amount was introduced in a circular bearing No. CDO/PM/18/CIR dated August 4, 2005. The rejection order for the compassionate appointment has not been filed. However, the petitioner addressed a letter to this Court, stating that her son's application for a compassionate appointment was rejected by the respondent on 16.11.2001. The time limit is 6 months from the date of the employee's death, and the CGM (P&HRD) may condone the delay of not exceeding 3 months in deserving cases and on the merits of each case. On what date the application for payment of ex-Gratia was given is also not mentioned in the affidavit. A copy of such an application is also not filed.

10. If that being the case, the learned counsel appearing for the petitioner contends that as the requisition for compassionate appointment was rejected belatedly, thereafter this petition was submitted and that cannot be a ground for refusal. Offering of employment on compassionate grounds or ex-gratia of payments



WP.No.16780 of 2010

WEB COPY

cannot be claimed as a matter of right. In order to get the benefit of the scheme, the petitioner has to fulfill the requisite conditions. It is inferable that the request for ex-Gratia payment was rejected on 19.05.2008 by the respondents. The petitioner had given the application for ex-gratia payment only on 20.07.2007 almost 7 years after the date of death of the petitioner's husband. Viewed from any angle, the petitioner has failed to fulfill the requisite conditions put forth in the scheme.

11. Therefore, based on the above stated submissions and discussions, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed, if any.

22.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Neutral: Yes /No
jrs



WEB COPY



WP.No.16780 of 2010

R.KALAIMATHI, J.

jrs

To

1. The Deputy General Manager,
State Bank of India,
Personnel Section,
Zonal Office,
Chennai.
2. The Chief Manager,
State Bank of India,
Service Branch,
Chennai.
3. The Section Officer,
V.R.Section, High Court, Madras.

W.P.No.16780 of 2010

22.07.2024