



W.P.No.16167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.08.2024

PRONOUNCED ON : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.16167 of 2022

P.R.Krishna Priya

... Petitioner

Vs.

1.Government of India,
rep. By its Secretary,
Ministry of Finance,
Jeevan Deep Building,
SansadMarg,
New Delhi, Delhi-110 001.

2.State Bank of India,
rep. By its Chairman,
State Bank Bhavan,
Madam Cama Road,
Mumbai-400 021.

3.The Chief General Manager,
State Bank of India,
Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.



W.P.No.16167 of 2022

4.The Deputy General Manager & CDO,
State Bank of India,
HR Department, Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.

5.The Assistant General Manager-HR,
State Bank of India,
HR Department,
Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.

6.The Regional Manager,
State Bank of India,
RBO-II, Administrative Office,
Madurai Cluster,
Madurai.

.....Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the respondents 4 and 5, quash the order of the fourth respondent dated 03.03.2020 bearing HR:LAW:4905 and the order of the fifth respondent dated 05.12.2020 bearing HR:LAW:2613 and the order of the fifth respondent dated 12.05.2022 bearing No.HR:LAW:520 as illegal, arbitrary, contrary to law and consequently direct the respondents 2 to 6 to consider the claim of the petitioner for compassionate appointment in terms of the Scheme for Compassionate appointment in Public Sector Banks of the first



W.P.No.16167 of 2022

respondent and provide appointment to the petitioner on compassionate grounds in the clerical post within the time frame as fixed by this Court.

For Petitioner : Mr.Balan Haridas

For Respondent-1: No Appearance

For Respondent : Mr.Anand Gopalan
Nos.2 to 6

ORDER

Challenging the orders of the fourth respondent dated 03.03.2020 bearing HR:LAW:4905 and the order of the fifth respondent dated 05.12.2020 bearing HR:LAW:2613 and the order of the fifth respondent dated 12.05.2022 bearing No.HR:LAW:520, the present Writ Petition has been preferred. Further to direct the respondents 2 to 6 to consider the claim of the petitioner for compassionate appointment in terms of the Scheme for Compassionate appointment in Public Sector Banks of the first respondent and to provide appointment to her on compassionate grounds in the clerical post.



W.P.No.16167 of 2022

WEB COPY

2. Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.Anand Gopalan, learned counsel appearing on behalf of the respondents 2 to 6.

3. The short facts of the case is as follows:

The petitioner's husband was an ex-service man, who joined the respondent bank as an Armed Guard. On 04.06.2019, the petitioner's husband while in the course of employment met with an accident and succumbed to the injuries. The petitioner applied for compassionate appointment but the same was rejected on the ground that the petitioner is over aged by the respondents.

4. Aggrieved by the same, the present Writ Petition has been filed by the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is the wife of G.Nagarajan, who was an ex-service man joined the respondent bank as an Armed Guard. He continued that on 04.06.2019, while on duty, the petitioner's husband along with



W.P.No.16167 of 2022

his branch manager met with an accident, due to which, he succumbed to the injuries. The petitioner's husband, who was the sole breadwinner of the family died leaving behind his wife, two sons aged about 12 & 14 years and parents as his legal representatives. To overcome the financial crisis arising out of the death of her husband, the petitioner made application to the bank for compassionate appointment. The respondents rejected her application on the ground that she was over aged for the clerical post as the maximum age is 35 years but however, with a suggestion to make application for ex-gratia lumpsum payment.

6. He submitted that as per Clause 7 of the Scheme for Compassionate Appointment in Public Sector Banks dated 05.08.2014, the upper age limit can be relaxed wherever it may be necessary. The respondent bank framed the SBI Scheme for compassionate appointment on compassionate grounds in exception cases, 2014. However, as per the recruitment policy of the respondent bank, there are some age limit for certain posts but the same can be relaxed considering the penurious condition of the petitioner's family as per the scheme of the first respondent dated 07.08.2014.



W.P.No.16167 of 2022

WEB COPY

7. He also placed reliance on the decision of the Hon'ble Division Bench of this Court in the case of ***The Chief General Manager, SBI, Chennai Vs. M.Santhosh in W.A.No.671 of 2017 dated 30.06.2017.***

8. The learned counsel for the respondents submitted that it is not in dispute that the petitioner's husband died on duty on 04.06.2019. He submitted that Clause 9.1(ii) of the Scheme stipulates that the upper age limit for compassionate appointments will be as per the recruitment policy of the bank in regard to the relevant post and category and also includes the age eligibility which shall be determined with reference to the date of application and not the date of appointment. He further submitted that the Scheme of the respondent bank provided for compassionate appointments only in exceptional circumstances. On receipt of the application of the petitioner for compassionate ground, the respondents rejected the said application through communication dated 03.03.2020, 12.05.2020 and 05.12.2020 stating that the petitioner is over aged as



W.P.No.16167 of 2022

she is aged about 37 years and 10 months whereas the age criteria for the clerical cadre is 35 years for widow/general category. He drew the attention of this Court to the cases viz., **State Bank of India and another Vs. Somvir Singh** reported in **2007 (4) SCC 778** and **Bhawani Prasad Sonakar Vs. Union of India and another** reported in **2011 (4) SCC 209** wherein the Hon'ble Apex Court has held that any claim can be considered only in terms of the Scheme and Courts cannot relax the same.

9. He also stated that the decision of the Hon'ble Division Bench dated 30.06.2017 as stated supra relied on by the petitioner is not applicable to the present case on hand, as on the date of application the scheme framed in 2014 was in force and in terms of that scheme, the petitioner was over aged even after relaxation of age as provided in the scheme and hence, the claim of the petitioner is untenable and the impugned order of the respondents in regard to rejection of the petitioner's application for compassionate appointment is legally sustainable.

10. Considered the rival submissions made by the respective counsels and also perused the materials available on record.



W.P.No.16167 of 2022

WEB COPY

11. The respondents have not disputed the case of the petitioner and her representation in regard to the compassionate appointment. But they have contended that the petitioner is not eligible for compassionate appointment under SBI Scheme for Compassionate Appointment in Exceptional Circumstances as she is over aged as on the date of application and the eligibility of age criteria for clerical cadre is 35 years for widow/general category and rejected her application through communications dated 03.03.2020, 12.05.2020 and 05.12.2020. But however, the respondents gave their suggestion to the petitioner to make application for ex-gratia lumpsum payment to the bank. On perusal of the Scheme of the respondent bank and the recruitment policy for compassionate appointment, this Court is of the considered opinion that the order of rejection of the petitioner's application for compassionate appointment by the respondents warrants no interference. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

22.10.2024



W.P.No.16167 of 2022

Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No
DP



W.P.No.16167 of 2022

To

WEB COPY

- 1.The Secretary,
Government of India,
Ministry of Finance,
Jeevan Deep Building,
SansadMarg,
New Delhi, Delhi-110 001.
- 2.The Chairman,
State Bank of India,
State Bank Bhavan,
Madam Cama Road,
Mumbai-400 021.
- 3.The Chief General Manager,
State Bank of India,
Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.
- 4.The Deputy General Manager & CDO,
State Bank of India,
HR Department, Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.
- 5.The Assistant General Manager-HR,
State Bank of India,
HR Department,
Local Head Office,
Circle Top House,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.
- 6.The Regional Manager,
State Bank of India,
RBO-II, Administrative Office,
Madurai Cluster,
Madurai.



WEB COPY



W.P.No.16167 of 2022

VIVEK KUMAR SINGH, J.

DP

ORDER MADE IN
W.P.No.16167 of 2022

22.10.2024