



W.P.No.32128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32128 of 2022

Muniyammal

... Petitioner

Vs.

- 1.The General Manager,
Canara Bank, (Head Office),
112, JC Road,
Bangalore 560 002
- 2.The Deputy General Manager,
HRM/Staff Section(Workmen),
Canara Bank, Circle Office,
563/1, Anna Salai, Teynampet,
Chennai 600 018
- 3.The Branch Manager,
Canara bank, Singaperumalkoil Branch,
No.5/37 A, R.M. Thilagam Complex, GST Road,
Singaperumalkoil, Kancheepuram District,
PIN 603 204

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order passed by the second respondent, quash the same and to direct the first respondent to consider the petitioner's representations dated 05.08.2015 and 05.04.2021 seeking compassionate



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ground appointment for the petitioner's son and payment of ex-gratia to the petitioner.

For Petitioner : Mr.N.Pichai Pillai

For Respondents : Mr.R.Rajesh

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 10.10.2022 thereby rejected the claim of the petitioner seeking ex-gratia amount and compassionate ground appointment on the demise of her husband.

2. The petitioner's husband while in service as Clerk in the respondents Bank, died on 17.03.2011 due to sudden cardiac arrest. He died leaving behind the petitioner, a married daughter and an unmarried son. In order to receive benefits, the petitioner submitted relevant documents. The petitioner was settled with Special Provident Fund, Gratuity, Death Relief and leave encashment, total to the tune of Rs.12,13,786.19/- The petitioner also sought for ex-gratia amount and employment on compassionate ground. However, both the requests were



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rejected by the order dated 10.10.2022.

3. On perusal of the records, revealed that the benefit of employment on compassionate ground may be granted in exceptional cases, where employee dies while performing his official duty as a result of violence, terrorism, robbery or dacoity / employee dying within five years of his first appointment or before reaching the age of 30 years, whichever is later, leaving a dependent, spouse and / or minor children. In the case on hand, the petitioner's husband died in the age of 54 years, that too due to sudden cardiac arrest. Though he died while he was in service, he did not die while performing his official duty and also as a result of violence, terrorism, robbery or dacoity. Therefore, the petitioner is not entitled for seeking employment on compassionate ground. Insofar as the ex-gratia amount is concerned, if the monthly income of the family from all sources is less than 60% of the last drawn pay of the deceased employee, he is eligible for ex-gratia lumpsum amount. Insofar as the petitioner's family is concerned, the total family income is Rs.32,018.65/- as on 08.06.2022, whereas her husband's last drawn gross salary



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excluding tax is Rs.33,543.70/- and therefore, 60% comes to around Rs.20,126.62/-. Therefore, their family income is more than 60% of the last drawn gross salary of the petitioner's husband. As such, the petitioner is not entitled for ex-gratia lumpsum and the claim of the petitioner was rightly rejected by the second respondent.

4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

19.03.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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WEB COPY

To

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G.K.ILANTHIRAIYAN, J.

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