



WEB COPY



W.P.No.36492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.36492 of 2023

M.Asirvadham

...Petitioner

-Vs-

The Branch Manager,
Punjab National Bank,
(Previously Oriental Bank of Commerce),
Kilpauk Branch,
No.74, New Avadi Road,
Kilpauk,
Chennai-600 010.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representations dated 19.11.2020 & 09.10.2023 to give appointment to his daughter A.Priyanka and settle the benefits of his deceased brother M.Anthony who died on 24.10.2020.

For petitioner

: Mr.P.Krishnan

For respondent

: Mr.P.Raghunathan
for
M/s.T.S.Gopalan & Co



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ORDER

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This writ petition has been filed for direction to the respondent to consider the representation of the petitioner seeking appointment on compassionate ground.

2. The petitioner's elder brother M.Anthony died while he was working in the Oriental Bank of Commerce, Kilpauk Branch, Chennai due to ailment on 24.10.2020. The petitioner applied for legal heir certificate and the same was not considered and as such the petitioner filed W.P.No.20404 of 2020. This Court passed an order dated 05.01.2021 and directed the respondents to consider the petitioner's application and pass orders. However, the application submitted by the petitioner for seeking legal heirship certificate rejected by the Tahsildar by an order dated 25.10.2021 on the ground that there is no provision to issue Class-II legal heir certificate as per Circular No.9/2019 dated 24.09.2019. Once again, it was challenged before this Court in W.P.No.25418 of 2021 and this Court once again directed the Tahsildar to issue legal heirship certificate. The petitioner again filed contempt Petition in Cont.P.No.2111 of 2023.



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Thereafter, the Tahsildar issued legal heir certificate dated 08.09.2023. On the strength of the legal heir ship certificate the petitioner submitted representation seeking terminal benefits of his deceased brother and also compassionate appointment to his daughter. Though, it is pending on the file of the respondent. The petitioner and his sisters, his daughter is not entitle for compassionate appointment. The compassionate appointment is given only to deceased family those in poor condition due to sudden demise of the employee. Admittedly, the deceased died as bachelor. Therefore, this petitioner is a Class II legal heir of the deceased M.Antony. The petitioner and other family members were issued with Class-II legal heirship certificate. Therefore, they entitle for terminal benefits of the deceased employee. But, the petitioner's daughter is not entitle for any appointment on compassionate ground.

3. In view of the above, the respondent is directed to consider the representation submitted by the petitioner only for the retirement benefits alone of the deceased within a period of eight weeks from the date of receipt of copy of this order. Insofar as seeking compassionate appointment cannot be considered.



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

04.03.2024

Index : Yes/No
Speaking/Non Speaking Order
Neutral Citation : Yes/No
gvn

To

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G.K.ILANTHIRAIYAN,J.
gvn

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