



W.P.(MD)No.16292 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16292 of 2021

B.Prema Devi

... Petitioner

Vs.

Indian Overseas Bank,
Represented by its
General Manager,
763, Anna Salai,
Central Office,
Chennai-600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the ex-gratia lumpsum amount in lieu of compassionate appointment to the tune of Rs.6,00,000/- to the petitioner within the time period that may be stipulated by this Court.

For Petitioner : Mr.G.Karthik,
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.N.Dilip Kumar,
Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent Bank to pay lumpsum payment to the petitioner by way of an



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ex-gratia payment on account of the death of the petitioner's husband, while he was in service with the respondent Bank.

2. The petitioner claims that she had earlier sought for compassionate appointment. However, as per the scheme of the respondent Bank, at the relevant point of time, there was no scope for compassionate appointment. But the scheme of the respondent Bank provided for payment of ex-gratia payment to the legal representatives of the deceased employee. The petitioner claims that she has been making several requests to the respondent Bank subsequent to the death of her husband seeking for ex-gratia payment amounting to Rs.6,00,000/- (Rupees Six Lakhs only).

3. A counter affidavit has been filed by the respondent Bank denying the contentions of the petitioner.

4. At the outset, they have stated that the present Writ Petition is not maintainable on the ground of inordinate delay and laches. They have also stated that the scheme with regard to the payment of ex-gratia payment is applicable only if the application is submitted within a period of six months from the date when the employee died.



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5. According to them, the petitioner did not apply for ex-gratia payment within the stipulated time as prescribed under the Rules of the respondent Bank.

Therefore, according to them, the question of payment of ex-gratia payment as claimed in this Writ Petition does not arise. Admittedly, the representation given by the petitioner in the year 2019 was not responded to by the respondent Bank. No prejudice would be caused to the respondent Bank, if the petitioner is allowed to give a fresh representation seeking for ex-gratia payment as stated supra and a direction is issued to the respondent Bank to consider the same on merits and in accordance with law within a time frame fixed by this Court.

6. It is also made clear that the respondent Bank while considering the representation of the petitioner is also permitted to decide with regard to the alleged inordinate delay in giving her representation seeking for ex-gratia payment while passing final orders.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondent Bank seeking for payment of ex-gratia payment of a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as claimed in this Writ Petition within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent Bank is



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directed to consider the same on merits and in accordance with law and pass

final orders within a period of eight weeks thereafter.

8. Accordingly, the Writ Petition stands disposed of. No costs.

17.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

The General Manager,
Indian Overseas Bank,
763, Anna Salai,
Central Office,
Chennai-600 002.



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ABDUL QUDDHOSE, J.

TSG

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