



W.P.No.3643 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3643 of 2019 and
W.M.P.No.3994 of 2019

Tmt.Chitra Banu

... Petitioner

Vs.

The Regional Manager,
H.R.Department,
State Bank of India,
Local Head Office,
Circle Top House, 5th Floor,
No.16, College Road Lane,
Nungambakkam, Chennai 600 006.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records made in impugned order in HR.Law.No.2775 dated 17.10.2018 on the file of the respondent herein and to quash the same as illegal and direct the respondent to provide compassionate appointment to the petitioner's son Gnanasundaram, son of Late.Elangovan, who was working in the respondent Bank.



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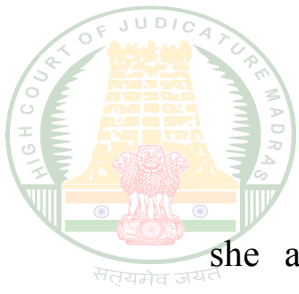
For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.S.Ravindran, Senior Counsel for
Mr.K.Chandarasekaran

ORDER

This Writ Petition has been filed to call for the records made in impugned order in HR.Law.No.2775 dated 17.10.2018 on the file of the respondent herein and to quash the same as illegal and direct the respondent to provide compassionate appointment to the petitioner's son Gnanasundaram, son of Late.Elangovan, who was working in the respondent Bank.

2. Heard Mr.R.Sankarasubbu, learned counsel for the petitioner, Mr.S.Ravindran, learned Senior Counsel for the respondent and perused the materials available on record.

3. The petitioner's husband Elangovan died in road accident on 29.11.2002, while he was returning from work as a Messenger. The petitioner has got two sons and she was living below the poverty line and



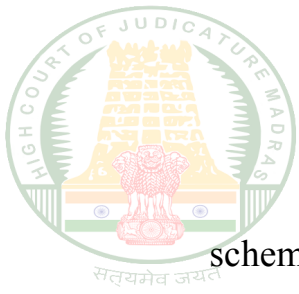
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she also belongs to SC community. At the time of accident, the petitioner's sons were minors. On 07.10.2018, she gave a representation for compassionate appointment for one of her sons viz., Gnanasundaram who is aged about 21 years and the said representation was rejected. Challenging the same, this Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that petitioner's husband's death had taken place in an accident and that had occurred during the course of employment. As the petitioner has lost the breadwinner of the family and does not have any other background to support the family, the compassionate appointment should be considered to alleviate the poverty of the petitioner's family.

5. The learned Senior Counsel for the respondent submitted that the scheme of compassionate appointment has been discontinued from 04.08.2005.

6. As per the impugned order, the respondent has stated about the

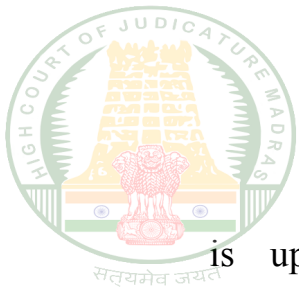


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scheme which was introduced on and from 04.08.2005 and the conditions stated therein are seen to be applicable to the new scheme.

The respondent did not state what was the earlier scheme for compassionate appointment because the petitioner's husband died prior to 04.08.2005 (i.e.) on 29.12.2002. If the compassionate appointment scheme has been discontinued from 04.08.2005 except in exceptional cases, the *ex-gratia* lumpsum amount in lieu of compassionate appointment has to be introduced by the Bank. It is not known what exactly was the scheme in existence at the time when the petitioner's husband died.

7. To be noted, the petitioner has made an application after 16 years from the date of death of her husband, the petitioner did not choose to seek any appointment for herself immediately after the death of her husband stating that she had minor children who were depending on her. For the reasons best known to her, she made an inordinate delay of 16 years in seeking compassionate appointment for the major son who was already at the age of 21 years. The son of the petitioner himself is a major, hence, the petitioner cannot represent the major son. However, it



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is upto the petitioner for filing application seeking *ex-gratia* compensation from the respondent.

8. In view of the above stated reasons, this Writ Petition is disposed by giving liberty to the petitioner to file an application seeking *ex-gratia* compensation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent shall consider the same and pass orders either for granting compensation or for granting compassionate appointment, in case the petitioner's case is feasible for consideration as per the scheme, if any, which was in force prior to 04.08.2005, within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

gsk

To

The Regional Manager,
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