



WEB COPY

W.A.No.793 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 793 of 2024
and CMP No.5358 of 2024

1. The Chairman-cum-Managing Director,
Indian Bank,
Corporate Office,
No.254, Avvai Shanmugam Salai,
Chennai 600 014.
2. The General Manager (HRM),
Indian Bank,
Corporate Office,
No.254, Avvai Shanmugam Salai,
Chennai 600 014.
3. The Chief Manager (HRM)
Indian Bank,
Corporate Office,
No.254, Avvai Shanmugam Salai,
Chennai 600 014.

...Appellants

Vs.

K. Venkataraman

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside



the order passed in WP No.19760 of 2015 dated 22.12.2023

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For Appellant : Ms.Rita Chandrasekar
For M/s.Aiyar and Dolia

For Respondents : Mr. M.Muthappan

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

Admittedly on the date of the death of the employee, a Scheme for compassionate appointment was in force. Even on the date of the application for compassionate appointment, the Scheme was in force. Because of the mismanagement of the Bank by the people in power at the relevant point of time, there was a ban on appointment imposed by the Reserve Bank of India. When the ban was lifted in 2004, the Bank came out with a modified scheme for compassionate appointment, by providing for ex-gratia payment instead of compassionate appointment. An offer was made to the mother of the petitioner to take the ex-gratia payment, though she agreed initially, she did not take the ex-gratia payment and requested a job for her son viz. the petitioner.



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2. The Bank refused on the ground that under the present scheme there is no provision for granting compassionate appointment. This order was challenged.

3. The Writ Court found that the scheme was available when the father of the petitioner died and the petitioner would be entitled to the benefits of that Scheme. A subsequent change cannot affect the claim of the petitioner. This finding of the learned Single Judge is in tune with the judgment of the Hon'ble Supreme Court in *Secretary to Government, Department of Education (Primary) and others vs. Bheemesh @ Bheemappa*, reported in (2021) 20 SCC 707, wherein the Hon'ble Supreme Court has held that an amendment withdrawing the existing benefit will have only prospective effect and it cannot be made applicable retrospectively.

4. In view of the said position of law, we are unable to fault the learned Single Judge for having directed the Bank to employ the petitioner



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under the compassionate appointment scheme which was in existence at the time of the death of the father as well as at the time when the petitioner made an application.

5. Hence we see no merit in the Appeal, the Writ Appeal fails and it is accordingly **dismissed**. The Bank will issue the order of appointment as directed by the learned Single Judge within a period of 8 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
27.03.2025

jv

Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To

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