



WP(MD)No.8793 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 10.09.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.8793 of 2024

B.Praveen

... Petitioner

/vs./

1.Canara Bank,
Rep., by its Managing Director,
Human Resources Wing,
Head Office, 112 J C Road,
Bangalore – 560 002.

2.General Manager,
Canara Bank,
Human Resources Wing,
Head Office, 112 J C Road,
Bangalore – 560 002.

3.The Assistant General Manager,
Human Resources Section,
Circle Office, East Veli Street,
Madurai – 625 001.

4.The Branch Manager,
Canara Bank,
Vilangudi, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in REF:MDUC HRM 72748 2024 dated 29.02.2024 on the file of respondent No.3 and quash the same as illegal and consequently, for a direction, directing the respondent No.3 to appoint the petitioner under the Scheme of Compassionate Appointment in any suitable post within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik for
Mr.T.Aswin Rajasimman

For Respondents : Mr.N.Dilipkumar

ORDER

This Writ Petition had been filed to quash the impugned order dated 29.02.2024 passed by the third respondent as illegal and consequently, to direct the third respondent to appoint the petitioner under the Scheme of Compassionate Appointment in any suitable post within the time stipulated.

2. Heard Mr.G.Karthik, learned counsel appearing for Mr.T.Aswin Rajasimman, learned counsel on behalf of the petitioner, Mr.N.Dilipkumar, learned counsel appearing for the respondents.



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3. The learned counsel appearing for the petitioner would submit that the petitioner's father had worked as a Daily Wager in Canara Bank Chellampatti Branch from 1993 to 2001 and thereafter he was appointed as a Peon on 15.02.2001 and thereafter, he was also promoted as Single Window Operator and posted at Vilangudi, Madurai Branch and he died on 12.05.2021 during Covid Pandemic while in service. The petitioner's father was the sole breadwinner of the family consisting of aged mother, the petitioner and a sister who got married, and the family was under penury due to sudden stoppage of income from his father. After the petitioner's father demise, terminal benefits were paid. The petitioner being an unemployed B.E., graduate, had made an application for compassionate appointment, which the petitioner was entitled under the scheme of compassionate appointment governing the respondents. But however, under the order impugned, the application of the petitioner was not considered indicating that the financial condition of the family of the deceased is satisfactory and there are no mitigating factors to consider the petitioner's request for compassionate appointment. Placing reference on similarly placed cases where compassionate appointment was given, the learned counsel appearing for the petitioner would submit that the order impugned herein would have to be set aside and a direction to be issued to the respondents to grant compassionate appointment in any



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suitable post within a time frame. Relying upon the judgment of the Hon'ble Division Bench of this Court in W.P.No.5 of 2024, dated 16.02.2024, the learned counsel for the petitioner would submit that the terminal benefits that had been accrued to the family cannot be taken into consideration while deciding the penury of the family of the deceased employee. Therefore, he prays this Court to interfere with the order impugned herein.

4. The learned counsel appearing for the respondents on the other hand would submit that the family of the deceased received a sum of Rs.30,993/- as pension, apart from the substantial terminal benefits that had been paid. Therefore, the deceased family cannot be said to be under penury circumstances for grant of appointment on compassionate grounds. He would further submit that as per the scheme, compassionate appointment can be made only up to a maximum of 5% of vacancies falling under direct recruitment in the clerical cadre or vacancies identified in the sub-staff category. The number of applications that are being received, all the applications have to be scrutinized and only thereafter the qualified dependent of the family would be granted on compassionate appointment.



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5. He would further submit that the compassionate appointment is not a matter of right and when the family is not in destitute condition, as the monthly pension of Rs.30,993/- is being received by the petitioner's mother, any grant of compassionate appointment of the petitioner would unjustly enrich the family of the deceased employee, denying the rightful claim of other applicants. Therefore, he would pray this Court to dismiss the Writ Petition.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

7. Admittedly, the father of the petitioner had died during Covid Pandemic period while in service. The only claim made by the respondents even in the counter affidavit is that the family of the deceased does not suffer from any penurious circumstances, as the family had been paid the terminal benefits apart from the mother of the petitioner namely wife of the deceased employee is also benefited with monthly pension. A Division Bench of this Court in a judgment relied upon by the learned counsel for the petitioner of which I was a party, would indicate that while considering the applications on compassionate appointment, the receipt of benefits under various welfare scheme, which arose due to the death



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of the deceased employee's family cannot be taken into account. Therefore, the reason attributed by the respondents in the order impugned and supported by the counter affidavit would have to fall.

8. A perusal of the scheme that has been placed before this Court with regard to compassionate appointment would also envisage “payment of Lump sum Ex-Gratia amount in lieu of compassionate appointment”. The option has been vested with the Bank and the quantum of the ex-gratia payment had also been quantified under clause 14 of the said scheme.

9. As this Court has found that the order impugned herein had been passed only on the basis of the terminal benefits and the pension which are received by the petitioner's mother, the impugned order herein deserves to be set aside

10. In fine, the Writ Petition stands allowed and the impugned order is set aside. The respondents are directed to consider the case of the petitioner in accordance with the scheme of “compassionate appointment on payment of lumpsum ex-gratia amount in lieu of compassionate appointment” and pass appropriate orders on merits and in accordance with law particularly clause 14 of



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the said scheme. Such exercise shall be completed by the respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.

However, there shall be no order as to costs.

24.11.2025

Index : Yes / No
Internet : Yes / No
Pbn

To

- 1.Canara Bank,
Rep., by its Managing Director,
Human Resources Wing,
Head Office, 112 J C Road,
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- 2.General Manager,
Canara Bank,
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K.KUMARESH BABU, J.

Pbn

Order made in
W.P.(MD)No.8793 of 2024

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