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W.P. No.19503 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.19503 of 2021

A.Rajendran
S/o.Late.S.Anbzhagan,
No.2, Thirukkai Amman Koil Street,
Greens road, Thousand Lights, Chennai-600 006.

..Petitioner(s)

Vs

1. The Regional Manager
Central Bank of India (Regional office),
Mandiyath Road, Egmore, Chennai-600 008.
2. The Branch Manager
Central bank of India, Sembium, Perambur,
Chennai-600 011.

..Respondent(s)

PRAYER: Writ Petition filed under Article to call for the records pertaining to the impugned order of the 1st respondent passed bin RO/CHEN/ HRD /2020-21/716 11.3.2021 and quash the same and direct the 1st respondent to issue the order of any post to the petitioner on the compassionate grounds as per the petitioners representation dated 29.1.2021.

For Petitioner(s):

Mrs.M.Prabhavathi
for Mr.M.Thamizhavel

For Respondent(s):

Ms.P.Sakthipooja
for Mr.F.B.Benjamin George (for R1,R2)



ORDER

The present writ petition is filed challenging the impugned order dated 11.03.2021 whereby the petitioner's application seeking compassionate appointment to the elder son of the deceased employee Mr.S.Anbazhagan, who died in harness on 08.04.2021 was rejected on the premise that compassionate appointment in terms of the scheme dated 05.08.2014 would be applicable only to those employees who died in harness after 05.08.2014, however, admittedly, the petitioner's father died on 08.04.2014 and thus the scheme dated 05.08.2014 relating to compassionate appointment may be inapplicable.

2. Petitioner's father was working as a SWO in the 2nd respondent Bank. Petitioner's father expired on 08.04.2014 in harness. Petitioner's mother Mrs.A.Rajeswari submitted an application dated 25.04.2014 to the 1st respondent seeking compassionate appointment to the petitioner according to his educational qualification. Petitioner was apparently around 30 years when the said application for compassionate appointment was made. Thereafter, vide impugned order the request for compassionate appointment to the petitioner was rejected.

3. Learned counsel for petitioner would submit that petitioner ought to be governed by the scheme which was introduced with effect from 05.08.2014 which governs compassionate appointment.



4. To the contrary, the learned counsel for respondents would submit that prior to 05.08.2014 scheme, there was a scheme introduced and which was governing compassionate appointment during the period 2006 to 2014 vide D.O. No.F.18/1/2006-IR dated 19th June, 2007. Importantly, the circumstances which provides for compassionate appointment are also set out therein and the same reads as under:

“2.compassionate appointment, in exceptional cases, where an employee:

(a) dies while performing official duty as a result of violence, terrorism, robbery or dacoity or

(b) dies within five years of his first appointment or before he reaches the age of 30 years, whichever is later, leaving a dependent spouse and/or minor children.”

5. Learned counsel for respondents would submit that the petitioner would not fall within either of the two categories and thus rejection of the petitioner's request is justified, she would also place reliance on the judgment of the Supreme Court in ***State of Madhya Pradesh and others vs. Ashish Awasthi*** reported in ***(2022) 2 SCC 157***, wherein it was held that compassionate appointment would be governed by the policy prevalent at the time of death of the deceased employee. The relevant portion is extracted hereunder:

“5. As per the settled proposition of law laid down by this Court for appointment on compassionate ground, the policy prevalent at the time of death of the deceased employee only is



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required to be considered and not the subsequent policy.

6. In Indian Bank vs. Promila, it is observed and held that claim for compassionate appointment must be decided only on the basis of relevant scheme prevalent on date of demise of the employee and subsequent scheme cannot be looked into. Similar view has been taken by this Court in State of M.P. vs. Amit Shrivastava. It is required to be noted that in Amit Shrivastava the very scheme applicable in the present case was under consideration and it was held that the scheme prevalent on the date of death of the deceased employee is only to be considered. In that view of the matter, the impugned judgment and order passed by the Division Bench is unsustainable and deserves to be quashed and set aside.

7. The submission on behalf of the respondent that after the impugned judgment and order passed by the High Court, the respondent has been appointed and therefore his appointment may not be disturbed, deserves rejection. Once the judgment and order passed by the Division Bench under which the respondent is appointed is quashed and set aside, necessary consequences shall follow and the appointment of the respondent, which was pursuant to the impugned judgment and order passed by the Division Bench of the High Court cannot be protected.”

6. This Court finds that there is merit in the submission of the learned counsel for the respondents though there are certain facts which are being disputed since it may not have any bearing in the outcome of the present writ petition, this Court is not inclined to deal with the same.



7. Accordingly, the writ petition stands dismissed. No costs.

09-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA

To:

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MOHAMMED SHAFFIQ J.

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