

(2017) 02 KAR CK 0259
In the Karnataka High Court
Case No : 7122 of 2013 (S-RES)

P.K. PAVAN S/O. LATE P.C. KUMARASWAMY	APPELLANT
Vs	
THE DIRECTOR INDIAN OVERSEAS BANK, & ANR.	RESPONDENT

Date of Decision : 21-02-2017

Acts Referred:

Citation : (2017) 02 KAR CK 0259

Hon'ble Judges : A.N. Venugopala Gowda

Bench : SINGLE BENCH

Advocate : KRISHNAMOORTHY D., A. KESHAHA BHAT

Final Decision : Allowed

Judgement

1. Sri P.C. Kumaraswamy, working as a Cash Clerk in the Indian Overseas Bank, died in harness leaving behind the petitioner, his mother and other family members. An application was submitted on 13.12.1999 by the grandmother of the petitioner to provide appointment to the petitioner on compassionate grounds. The petitioner having acquired Degree in Bachelor of Arts in I Class from the University of Mysuru during 2007, made an application vide Annexure-E for employment on compassionate grounds. Finding no response, this petition was filed asking for a mandamus against the respondents to consider the representation submitted on 13.12.1999 vide Annexure-B and provide appointment.
2. Respondents have not filed counter. Heard learned advocates on both sides and perused the petition.
3. It is not the case of Sri Keshava Bhat, learned advocate appearing for the respondent No.2 that the claim made vide Annexures - B and E, to provide appointment on compassionate grounds was considered and the family members of the deceased employee notified of the outcome.
4. Claim for appointment on compassionate grounds should receive immediate

consideration and there should not be any delay in that regard as the purpose of providing appointment on compassionate grounds is to mitigate the hardship due to death of bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years. The delay in consideration of such claim was found fault with by the Apex Court in the case of Smt. Sushma Gosain & Ors. vs. Union of India & Ors., (1989) 4 SCC 468.

5. In the present case, despite the application vide Annexure-B having been submitted on 13.12.1999 and another application having been submitted on 22.11.2012 vide Annexure-E, there is inaction on the part of the respondents. The delay cannot be countenanced. Arbitrariness on the part of the respondents is writ large.

In the result, petition is allowed and the respondents are directed to consider the aforesaid applications made for providing of appointment to the petitioner on compassionate grounds within an outer time limit of two months from the date a copy of this order is produced by the petitioner. It is made clear that no opinion is expressed with regard to the merit of the claim made and it is for the respondents to consider the matter in accordance with law.

No costs.