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W.P.No.33934 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.33934 of 2022

G.Chitra

... Petitioner

Vs.

1. The Head Office,
Rep.by its General Manager,
Punjab National Bank,
No.11, Hemant Basu Sarani,
Kolkata – 700001.

2. The Circle Head,
Circle Office, HRD Department, CO: Chennai,
Punjab National Bank,
PNB Towers, 2nd Floor, No.46-49, Royapettah High Road,
Royapettah, Chennai.

3. The Branch Manager,
Punjab National Bank,
K.K.R.Building, 121, Perambur Branch,
Madhavaram High Road,
Perambur, Chennai – 600 011.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the
proceedings of the second respondent issued in letter HRMD: IR : ECG dated
23.11.2022 and quash the same and consequently direct the respondent to



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appoint compassionate appointment, consequent on the death petitioner's father late P.Govindasamy on 30.11.2015 while serving employed as Award Staff-Bank Cashier vide S.P.F.No.25743 within the time to be stipulated by this Court.

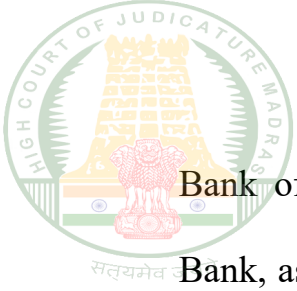
For Petitioner : Mr.Y.Solomon

For Respondents : Mr. P.Raghunathan,
for M/s.T.S.Gopalan & Co

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the proceedings of the second respondent issued in Letter HRMD: IR: ECG dated 23.11.2022 and quash the same and consequently direct the respondents to appoint the petitioner on compassionate grounds, consequent upon the death of the petitioner's father, namely, late P.Govindasamy, on 30.11.2015, while he was serving as Award Staff-Bank Cashier, vide S.P.F.No.25743, within the time to be stipulated by this Court.

2. The brief facts which are necessary for the disposal of the present Writ Petition are that the petitioner and one Vivek are the children of P.Govindasamy. He died on 30.11.2015 while he was serving in the Union



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Bank of India, which was subsequently merged with the Punjab National

Bank, as a Head Cashier. After the demise of their father, the petitioner, who

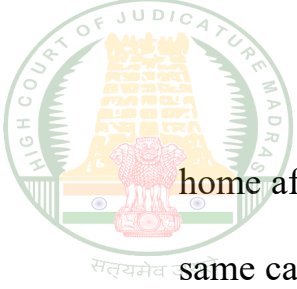
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claims to have been wholly dependent upon her father, submitted an application seeking appointment on compassionate grounds. The same was rejected by the second respondent vide order dated 23.11.2022, observing as follows:

“It is apparent from record that deceased employee, Shri.P.Govindasamy is survived by his daughter, Smt.G.Chitra i.e. Petitioner and son Mr.G.Vivek who is working as driver as per the documents submitted by Smt.G.Chitra. Deceased employee's wife Smt.Malathy passed away on 05.03.2008. Since, Smt.G.Chitra was married on 10.07.2013 i.e. much before the death of deceased employee i.e. on 30.11.2015, she cannot be said to be dependent on the deceased employee, i.e., her deceased father. Therefore, proposal of Compassionate Appointment to Smt.G.Chitra was accordingly declined by the Competent Authority.”

Aggrieved by the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner would contend that the conclusion arrived at in the impugned order that, on account of the petitioner's marriage, she cannot be treated as a dependent upon her father is contrary to the constitutional mandate. Admittedly, the petitioner is a housewife and, merely because the petitioner resides outside the parental



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home after the demise of her father, that too on account of water shortage, the same cannot be construed to mean that the petitioner was not dependent upon her father.

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3.1. The learned counsel for the petitioner would further submit that, while considering the impugned order, apart from the Scheme dated 19.09.2014, the respondents have also taken into consideration the subsequent amendments made to the compassionate appointment scheme during the years 2020 and 2021. Ultimately, the rejection of the petitioner's claim is contrary to the judgment of the Hon'ble Supreme Court, wherein it has been categorically held that an application for compassionate appointment has to be considered in accordance with the scheme prevailing on the date of death of the employee.

3.2. The learned counsel for the petitioner would further invite the attention of this Court to the fact that, though the petitioner's application had been pending since 2016, on account of the total inaction on the part of the respondents, when the petitioner approached this Court by filing a Writ Petition seeking a Writ of Mandamus, the impugned order came to be passed



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rejecting the petitioner's request by taking into consideration irrelevant materials. In support of his contention, he relied upon the recent judgment of the Hon'ble Supreme Court in *Kulsum Nisha Vs. State of U.P. & Ors.*, reported in **2026 INSC 617**. Hence, he prayed to allow the present Writ Petition.

4. Per contra, the learned counsel appearing for the respondents would contend that the petitioner does not satisfy the essential requirement to fall within the definition of "dependent". The fact that she got married two years prior to the death of the employee would, clearly demonstrate that she was not dependent upon her father. The scheme permits compassionate appointment only to a person who was wholly dependent upon the deceased employee. The condition relating to a "wholly dependent daughter" was introduced pursuant to HRMD Circular No.495 dated 23.03.2020 and HRMD Circular No.550 dated 09.02.2021.

4.1. It is also the contention of the learned counsel for the respondents that compassionate appointment is an exception to the general rule of public employment and that such appointment has to be considered strictly in



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accordance with the applicable scheme. There cannot be any appointment on the ground of sympathy, particularly when thousands of unemployed meritorious persons are awaiting employment. The respondents have taken a decision in accordance with the guidelines applicable to compassionate appointment and there are no grounds to interfere with the impugned order. The learned counsel for the respondents would further submit that the petitioner has not established that she was wholly dependent upon the deceased employee.

5. I have given my anxious consideration to either side submissions.

6. After the amendment made pursuant to the aforesaid HRMD Circulars, the eligibility criteria for compassionate appointment are as mentioned in the impugned order, which reads as follows:-

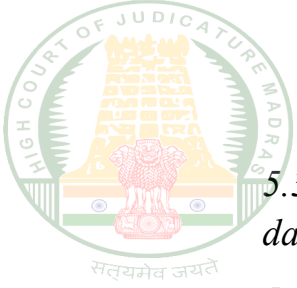
4. COVERAGE

4.1 To a dependent family member of a permanent employee of the Bank who -a) dies while in service (including death by suicide)

5. DEPENDENT FAMILY MEMBER

5.1 Spouse; or

5.2 Wholly dependent son (including legally adopted son); or



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5.3 Wholly dependent daughter (including legally adopted daughter); or

5.4 Wholly dependent brother or sister in the case of unmarried employee.

The proposal of Smt.G.Chitra has been declined by the Competent Authority on the ground that Smt.G.Chitra had already been married on 10.07.2013 i.e before the death of employee on 30.11.2015 and was not wholly dependent upon the deceased employee at the time of death of employee in terms of the scheme. As such she is not covered under the scheme for compassionate appointment.”

7. It is relevant to refer to the judgment of the Hon’ble Supreme Court in *State of M.P. Vs. Ashish Awasthi* reported in (2022) 2 SCC 157, wherein it has been held that, while considering an appointment on compassionate grounds, the policy prevailing on the date of death of the employee has to be followed. For ready reference, this Court deems it appropriate to extract paragraphs 5 and 6 of the said judgment, which read as follows:-

“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 required to be considered and not the subsequent policy.

6. In Indian Bank v. Promila [Indian Bank v. Promila, (2020) 2 SCC 729 : (2020) 1 SCC (L&S) 312] , 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



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of M.P. v. Amit Shrivastava [State of M.P. v. Amit Shrivastava, (2020) 10 SCC 496 : (2021) 1 SCC (L&S) 68] . It is required to be noted that in Amit Shrivastava [State of M.P. v. Amit Shrivastava, (2020) 10 SCC 496 : (2021) 1 SCC (L&S) 68] 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 [Ashish Awasthi v. State of M.P., 2018 SCC OnLine MP 1824] passed by the Division Bench is unsustainable and deserves to be quashed and set aside.

Therefore, the very procedure adopted by the respondents by taking into consideration the amendments which came into force during the years 2020-2021 gives sufficient reason for this Court to interfere with the impugned order, as the same is contrary to the judgment of the Hon'ble Supreme Court.

8. Even assuming, for the sake of argument, that the conditions extracted hereinabove would also apply to a compassionate appointment arising out of the death which took place in the year 2015, this Court has still has sufficient reason to interfere with the impugned order in view of the judgment of the Hon'ble Supreme Court in ***Kulsum Nisha's case*** (cited supra).



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9. In the case in hand, the respondents have excluded the petitioner from the definition of a “wholly dependent daughter”. In order to substantiate their contention that the petitioner was not wholly dependent upon the deceased employee, they relied upon the following circumstances:-

(i) the wife of the employee, viz., the mother of the petitioner, died in the year 2008, prior to the death of the employee;

(ii) the petitioner got married on 10.07.2013, prior to the death of the employee; and

(iii) the brother of the petitioner and the husband of the petitioner are employed elsewhere.

(iv) Furthermore, the petitioner and her brother are residing at two different places.

10. Therefore, according to the respondents, there was no family, and that the petitioner is not a dependent upon the deceased employee on the date of his death. On the face of it, this Court finds that the petitioner has been overtly discriminated merely on the ground that she happens to be the married daughter of the deceased employee.

11. The very consideration of the fact that during 2019, the petitioner was residing at a different place from her father's residence, that



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too after the demise of the deceased employee, is arbitrary and ought not to have been a ground for rejecting the petitioner's request that the above reasoning ground for absence of dependency. However, in the counter affidavit, in all fairness, the respondents have stated as follows:-

“The United Bank of India got merged with Punjab National Bank on 01.04.2020. In fact, on 19.04.2019, an Officer of the bank visited the house of the deceased employee who reported that the Petitioner was married and nobody was staying in her father's property due to water problem and drainage problem.”

12. Even according to the counter affidavit filed by the respondents, the petitioner shifted her residence in the year 2019 on account of water and drainage problems. Further, in paragraph 6 of the counter affidavit, the respondents have stated that “the competent authority considered the petitioner's representation and passed order on 23.11.2022 holding that the petitioner was already married before the death of the employee on 30.11.2015 and that she was not wholly dependent on the deceased employee at the time of death of the employee in terms of the scheme”.

13. On a perusal of the aforesaid reason, it is amply clear that the respondents were of the view that merely on account of the marriage of the

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petitioner, being the daughter of the deceased employee, her dependency

upon her father would cease. Such an understanding is contrary to human

values and, in the present scenario, only demonstrates the ignorance of the

authorities with regard to contemporary social realities. While submitting the

application, the petitioner had categorically stated that she was a housewife

and had no income of her own. Merely because her husband was earning

some amount during the preceding four years, as reflected in the certificate

annexed to the typed set of papers dated 10.01.2019, it cannot be construed

that, as on the date of the death of the deceased employee, the petitioner was

not dependent upon her father. Even if the documents relied upon by the

respondents are taken at their face value, the same is not sufficient to

establish that, the petitioner was not wholly dependent upon her father.

14. Admittedly, the petitioner was residing along with her father, which is evident from her Aadhaar Card enclosed in the typed set of papers and the address mentioned in the application form. Therefore, the reason that since because her husband was earning for lost four years, the petitioner could not be dependent upon her father during her father's life time, is a perverse reason. At this juncture, according to the **D.K. Illustrated Oxford Dictionary**, the word “**dependent**” means a person who relies on another for



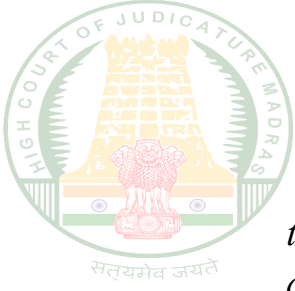
financial support.

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15. From the available documents, it is evident that the petitioner is a housewife and was not gainfully employed. Merely because her brother and her husband are gainfully employed, it does not mean that the petitioner was not dependent upon the income of her father. By assigning such reasons, the respondents have discriminated against the petitioner merely because she is a married daughter, which cannot be countenanced in view of the recent judgment of the Hon'ble Supreme Court in ***Kulsum Nisha's case*** (cited supra). The Hon'ble Supreme Court has held that the assumption that the marriage of a daughter severs her membership of, or dependency upon, her parental family is constitutionally impermissible. The Hon'ble Supreme Court has further held that marriage neither extinguishes the bond between a daughter and her parental family nor furnishes a valid basis to presume absence of dependency.

16. In this regard, this Court deems it appropriate to extract paragraphs 19 and 20 of the judgment in ***Kulsum Nisha's case*** (cited supra).which read as follows:-



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“19. The impugned provision proceeds on the assumption that upon marriage a daughter ceases to be a member of, or dependent upon, her parental family. Such an assumption is constitutionally impermissible. Marriage neither extinguishes the bond between a daughter and her parental family nor furnishes a valid basis to presume absence of dependency. Contemporary social realities demonstrate that many married daughters continue to reside with, support, or remain dependent upon their parents. Equally, there may be sons who are not dependent upon the family despite being included within the definition. Dependency is a question of fact and cannot be conclusively determined by reference to marital status alone.

20. Significantly, the scheme does not exclude a married son from consideration. A son continues to remain within the fold of the family irrespective of his marital status, whereas a daughter is excluded solely because she is married. The distinction is founded upon a gender-based stereotype that a daughter, upon marriage, becomes a member of another family and loses all ties with her natal family. Such a presumption is incompatible with the constitutional guarantee of equality and perpetuates historical notions of gender inequality which the Constitution seeks to eradicate.”

17. In an identical factual situation, more particularly with reference to the very same scheme of compassionate appointment, the learned Single Judge of the High Court of Chhattisgarh at Bilaspur in (**WPS.No.3503 of 2020 dated 16.07.2026**), after following the judgment of the Hon’ble Supreme Court in **Kulsum Nisha’s case** (cited supra), has held that the daughter is entitled to compassionate appointment.



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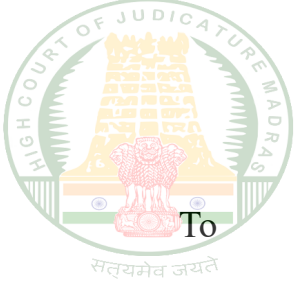
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18. Therefore, in view of the above detailed discussion, this Court is of the firm view that the rejection of the petitioner's claim for compassionate appointment, is contrary to the guidelines laid down by the Hon'ble Supreme Court and based upon an erroneous understanding of contemporary social realities. Hence, this Court finds sufficient grounds to interfere with the impugned order.

19. Accordingly, this Writ Petition stands allowed and the impugned order dated 23.11.2022 is hereby set aside. As a concomitant, the respondents are directed to appoint the petitioner on compassionate grounds within a period of eight weeks from the date of receipt of a copy of this order. No costs.

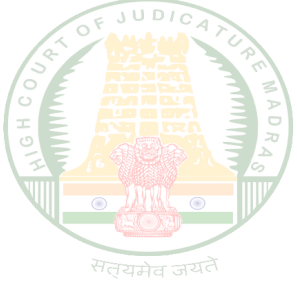
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Index : Yes
Speaking Order
Neutral Citation : Yes



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C.KUMARAPPAN, J.

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