



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.(MD)No.1038 of 2015

P.Thamilselvi

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
District Collector Campus,
Dindigul District.

2.The Deputy Registrar of Cooperative Societies,
Nehruji Nagar, Pandian Nagar Post,
Dindigul District.

3.The President / Secretary,
D.D.164, Southern Railway Employees' Consumers
Cooperative Stores Ltd.,
Railway Station Road, Nagalnagar,
Dindigul District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 2nd respondent in Na.Ka.No.510/2012 Ni.Va., dated 30.06.2014 and quash the same and consequently, direct the 2nd respondent to pass orders to appoint the petitioner on compassionate grounds in the 3rd respondent Society.

For Petitioner : Mr.S.Govindan

For Respondent : Mr.T.R.Janarthanam, AGP for R1 and R2
No Appearance for R3

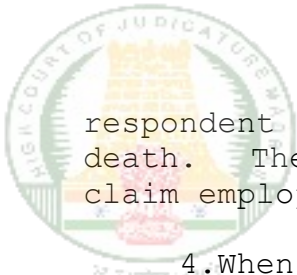
O R D E R

The Writ petition has been filed by the petitioner viz., P.Thamilselvi, challenging the impugned order dated 30.06.2015 passed by the 2nd respondent / Deputy Registrar of Cooperative Societies, Dindigul, rejecting the request of the petitioner for appointment on compassionate ground in the 3rd respondent Society on the ground that the service of the petitioner's husband has not been regularized, who died on 04.07.2012 while he was in service.

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband late Pandithurai has joined as a Watchman on 16.10.1983 and he has been promoted as Salesman and continued to work as Salesman till the date of his death on 04.07.2011. The petitioner's husband has worked for more than 28 years without suffering any disqualification.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It could be ascertained from the pleadings made by the petitioner that the petitioner's husband after joining in the service of the 3rd



respondent Society as Watchman on 16.10.1983 continuously served till his death. The petitioner being the legal heir is undoubtedly entitled to claim employment on compassionate ground.

4. When the respondent has not regularized the service of the petitioner's husband, even for a period of 28 years of service, it is not a fault either on the part of the petitioner or the petitioner's husband to get the benefit of compassionate appointment. Therefore, this Court is of the considered view that the petitioner is entitled to get the appointment on compassionate ground commensurate to her educational qualification. Accordingly, the respondents 1 to 3 are directed to consider the application of the petitioner and appoint her on compassionate ground in any one of the suitable post within a period of 3 months from the date of receipt of a copy of this order.

The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Cooperative Societies,
District Collector Campus,
Dindigul District.
2. The Deputy Registrar of Cooperative Societies,
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Dindigul District.
3. The President / Secretary,
D.D.164, Southern Railway Employees' Consumers
Cooperative Stores Ltd.,
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Dindigul District.

+1cc to Mr.S.Govindan, Advocate SR.No.53416

W.P. (MD) No.1038 of 2015

10.09.2015

NS/GSV-PM/06.10.2015 : 2P/5C