



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.22745 of 2016

WEB COPY

K.Karthikeyan

... Petitioner

-vs-

1. The Deputy Registrar of Co-Operative Society,
Ramanathapuram,
Ramanathapuram District.

2. The President,
N.N-560 Parnoor Primary Agricultural
Co-operative Credit Society,
Uppoor, Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the entire records relating to the impugned proceedings of the 1st Respondent in Na.Ka.No. 76/2016 Tho. Ve.Ku.Va. dated 10.03.2016 and quash the same as arbitrary and illegal and consequently to direct the respondents to appoint the petitioner on compassionate ground in the suitable post based on his educational qualification.

For Petitioner : Mr.S.M.P.Amalan

For R1 : Mr.A.K.Baskarapandian
Spl. Govt. Pleader

For R2 : Mr.K.P.Krishna Doss

O R D E R

This petition has been filed, seeking to quash the impugned order dated 10.03.2016 passed by the 1st respondent in Na.Ka.No.76/2016 Tho.Ve.Ku.Va., by which, the petitioner's request for appointment on compassionate appointment was declined on the ground that the services of the father were not regularized. The petitioner also sought a direction to the respondents to appoint the petitioner on compassionate ground in the suitable post based on his educational qualification.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that though the services of the petitioner's father were regularized and a Service Register was also opened in his name, the 1st respondent has stated in the impugned order that his father was a temporary employee thereby rejected the claim of the petitioner for compassionate



appointment. It is submitted that normally, Service Book would be opened only in respect of a permanent employee and not otherwise and he has produced a copy of the entire Service Book, showing the service particulars of his father.

4. Though the respondents had taken time to file counter, till date, no counter has been filed and the learned Special Government Pleader appearing for R2 is unable to dispute the facts narrated by the petitioner.

5. It is seen from the document duly signed by the Special Officer of the 2nd respondent Society that the petitioner's father completed 480 days of work in 24 calendar months starting from 16.10.1986 and therefore, in terms of the decision of this Court reported in 1999 (1) LLJ 622 [N.Mamundiraj and others vs. Bharat Heavy Electrical Ltd., Trichy and another] and as per the provisions of Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as "the Act, 1981"), the petitioner's father is deemed to have attained permanent status. Apart from the above, the records also clearly show that the Service Book is maintained only for permanent employee. Hence, the rejection order passed by the 1st respondent on the ground that his father was not a permanent employee cannot be accepted by this Court and therefore, this Court is inclined to interfere with the order impugned in this writ petition and the same is liable to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned order dated 10.03.2016 passed by the 1st respondent in Na.Ka.No. 76/2016 Tho. Ve.Ku.Va. is set aside. The 1st respondent is directed to consider the request of the petitioner for compassionate appointment within a period of three months from the date on which a copy of this order is made ready, by taking into account his educational qualification and other criteria required for appointment on compassionate ground. It is needless to say that the 1st respondent, if need be, shall consider relaxing the age of the petitioner, while adhering to the request of the petitioner. The exercise shall be done in two months. Before doing the exercise, the respondents should identify the Officer, who is responsible to comply with the orders of this Court. If that Officer fails to comply, in case of contempt, this Court can direct that Officer to face the music. No costs.

Sd/-
Assistant Registrar



To:

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Ramanathapuram,
Ramanathapuram District.
2. The President,
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