

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26143 of 2010

R.Chitra

...Petitioner

Versus

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 10.
- 2.The Joint Registrar of Co-operative Societies,
Dharmapuri.
- 3.The Deputy Registrar of Co-operative Societies,
Dharmapuri.
- 4.The Special Officer,
K.K.159-A, Sekkarapatti Primary
Agricultural Co-operative Society,
Adagapadi Post,
Dharmapuri.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in Na.Ka.No.7718/06/Tho/Va(1) dated 22.02.2010 and quash the same and further direct the second respondent to suitably employ the petitioner on compassionate grounds.

For Petitioner :Mr.M.Selvam

For RR 1 to 3 :Mr.L.P.Shanmugasundaram

For R4 :Mr.M.S.Palanisamy

ORDER

The order of rejection dated 22.2.2010 in respect of the claim of the writ petitioner for compassionate appointment is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner states that the husband of the writ petitioner late Mr.R.Selvam was employed as a Clerk in the third respondent-Co-operative society. The husband of the writ petitioner passed away on 25.08.2009, while he was in service.

3. The writ petitioner made an application, seeking compassionate appointment. The second respondent rejected the same on 30.3.2010, stating that as per rules and regulations, the legal heirs of the deceased employee is not eligible for compassionate appointment. The writ petitioner made an application to the Joint Registrar of Co-operative Societies, on 03.02.2010. The same was also rejected on 22.02.2010, stating that the deceased employee was not appointed in accordance with law and his initial appointment itself was irregular. This apart, the services of the deceased employee was not regularized and he was not a permanent employee of the Co-operative Society. The Scheme of compassionate appointment is applicable only to the permanent employees and the same cannot be extended to the employees whose services are not regularised.

4. Thus, this Court is of the opinion, that the Scheme of compassionate cannot be extended to the legal heirs of the deceased employee, in view of the fact that he is not coming under the purview of the Scheme at all. Further, this Court cannot stretch the scope or enlarge the terms and conditions and the Scheme to be implemented in its strict sense and the authorities competent are to be cautious while implementing the Scheme since it is only a concession and the compassionate appointment can never be claimed as a matter of right.

5. In view of the legal principles involved in this writ petition, no further adjudication is required. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 10.
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Dharmapuri.
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- 4.The Special Officer,
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Adagapadi Post, Dharmapuri.

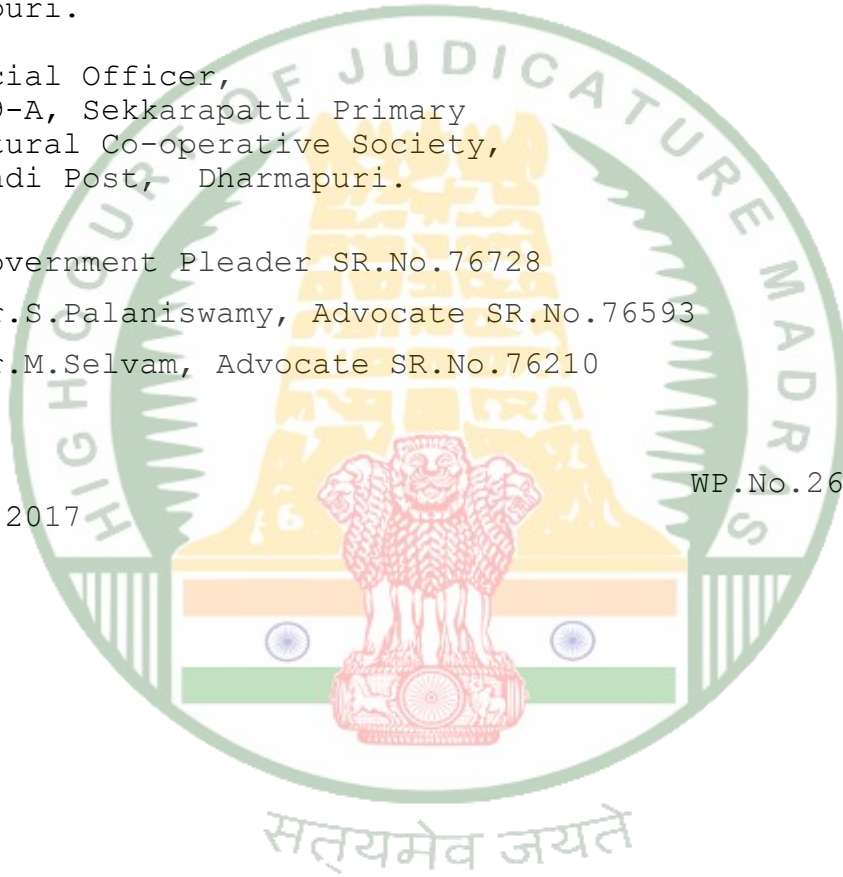
+1cc to Government Pleader SR.No.76728

+1cc to Mr.S.Palaniswamy, Advocate SR.No.76593

+1cc to Mr.M.Selvam, Advocate SR.No.76210

SDR 21.11.2017

WP.No.26143 of 2010



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