

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.38156 of 2003

K.Srinivasan

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Kancheepuram Division,
Kancheepuram.
 2. The Special Officer,
Kancheepuram Central Co-operative Bank Limited,
Kancheepuram.
- ... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.7615/2003 Aa.1 dated 07.11.2003 and quash the same and direct the respondents to consider the petitioner's claim and appoint him on compassionate grounds in any suitable post commensurate with his qualifications.

For Petitioner : Mr.S.Ravi

For Respondents : Ms.T.Girija,
Government Advocate for R1
Mr.R.Gopinath for R2

ORDER

The writ petitioner is the son of one Mr.J.Krishnamoorthy, who was an employee of the Kancheepuram Central Co-operative Bank Limited, Kancheepuram. The deceased J.Krishnamoorthy was holding the post of Assistant and died in service on 06.09.1992. Even at the time of death and thereafter, the wife of the deceased, namely R.Prema was working in Government service. With this background, the son of the deceased J.Krishnamoorthy, filed this writ petition seeking compassionate appointment in the Kancheepuram Central Co-operative bank Limited, Kancheepuram. The application was rejected both by the

Bank as well as by the first respondent, the Joint Registrar of Co-operative Societies, Kancheepuram Division, Kancheepuram.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The learned counsel appearing for the petitioner contended that as per the policy decision of the Government issued in G.O.Ms.No.155, Labour and Employment dated 16.07.1993, if the family of the deceased employee is not owning any house or landed property in his name or his legal heirs name is entitled for compassionate appointment. Further, the counsel contended that though the wife of the deceased is in Government service, she is not assisting the family and therefore the writ petitioner is to be considered for compassionate appointment.

4. The learned counsel appearing for the first respondent opposed the contention of the learned counsel for the petitioner, by stating that the deceased employee J.Krishnamoorthy, was owning a property and further, he had two wives at the time of death and after several disputes between the two wives, finally, the terminal benefits were settled in favour of the first wife, Mrs.R.Prema.

5. Further, the said first wife R.Prema is working in Government service. If any member of the family of a deceased employee is in Government service, then the question of indigent circumstances does not arise at all and considering any legal heir for compassionate appointment will defeat the very purpose of the scheme of compassionate appointment. The Government formulated the scheme for compassionate appointment to mitigate the indigent circumstances of the Government employee more specifically, in the event of dying in service. When the wife of such an employee is in Government service, the question of compassionate appointment does not arise at all.

6. Such being the factum of this case, the impugned order passed by the second respondent does not suffer any infirmity and the writ petitioner's mother even after the death of the deceased employee continued in Government service. Hence, the writ petitioner is not entitled to seek compassionate appointment and accordingly, the writ petition is devoid of merits and stands dismissed. However, no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Joint Registrar of Co-operative Societies,
Kancheepuram Division,
Kancheepuram.

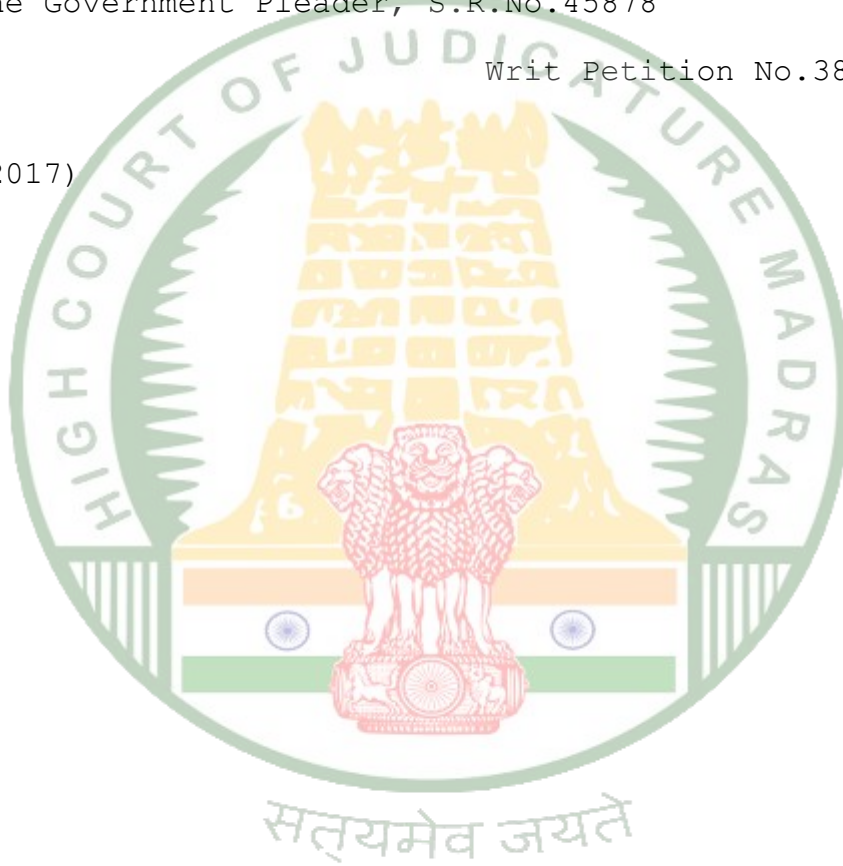
+lcc to Mr.R.Gopinath, Advocate, S.R.No.46006

+lcc to Mr.S.Ravi, Advocate, S.R.No.45384

+lcc to the Government Pleader, S.R.No.45878

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SR(CO)
CA(14/07/2017)



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