



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.558 of 2017

and

C.M.P (MD) .No.4663 of 2017

The Deputy Registrar of Co-operative Societies,
Ramanathapuram, Ramanathapuram District. : Appellant

Vs.

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

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 22.12.2016 made in W.P.(MD).No.22745 of 2016, on the file of this Court.

Prayer in WP(MD). 22745/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 within the time limit that may be stipulated by this Honble Court.

For Appellant : Mr.V.Muruganantham
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellant.

2. In the light of the order, which we propose to pass in the Writ Appeal, notice to the respondents is dispensed with.



3. This Writ Appeal filed by the Registrar of Co-operative Societies, Ramanathapuram, is directed against the order dated 22.12.2016 made in W.P.(MD).No.22745 of 2016.

4. The said Writ Petition was filed by the first respondent herein challenging the order passed by the appellant herein dated 10.03.2016 and for a consequential direction to the appellant herein to appoint him on compassionate ground in any suitable post based on his educational qualification. The father of the first respondent - Mr.S.Kottaisamy was appointed as attender in the second respondent society, without his name being sponsored by the Employment Exchange. Therefore, the society addressed the appellant for regularizing the service of the father of the first respondent, vide resolution dated 16.10.1986. The father of the first respondent had continued to serve in the society without any break and died in harness on 07.02.2015.

5. With the above facts, the first respondent applied to the appellant as well as the second respondent society seeking appointment on compassionate ground. This was rejected by the appellant stating that the father of the first respondent was not regularized in service, which was challenged by the first respondent by filing the Writ Petition. When the Writ Petition came up for hearing, similar contention was advanced on behalf of the appellant before the Writ Court. The Writ Court, after taking into consideration the decision of this Court in the case of **N.Mamundiraj and others Vs. Bharat Heavy Electricals Limited**, reported in **1999 (1) LLJ 622** and referring to the provisions of Section 3 of the Tamil Nadu Industrial Establishment [Conferment of Permanent Status to Workmen] Act, 1981, held that the first respondent's father, on having completed 480 days of work in 24 calendar months, starting from 16.10.1986, is deemed to have attained permanent status. One more factor, which weighed in the mind of the Writ Court, is that after completion of two years, Service Register was opened in the name of the father of the first respondent. In our considered view, the Writ Court was perfectly justified in rejecting the contention of the appellant and allowing the Writ Petition. Thus, we do not find any ground to interfere with the order passed by the Writ Court.

6. In the result, the Writ Appeal is dismissed, confirming the order dated 22.12.2016 made in W.P.(MD).No.22745 of 2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/



To:

1. The Deputy Registrar of Co-operative Societies,
Ramanathapuram, Ramanathapuram District.

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

NB

PSM/MR/SAR4/08.06.2017/3P/3C

JUDGMENT MADE IN
W.A. [MD] .No.558 of 2017
01.06.2017