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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.9813 of 2017

S.Rajalakshmi

... Petitioner

Vs.

1.The Joint Registrar,

Office of the Joint Registrar of Cooperative Societies,
Theni District.

2.The President,

A-915 Govinda Nagaram Primary
Agricultural Cooperative Credit Society,
Govinda Nagaram,
Theni District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 2nd respondent to implement the order of 1st respondent vide., proceedings in Na.Ka.3975/2016 Tho.Va dated 19.12.2016 by appointing the petitioner in compassionate ground.

For Petitioner : Mr.M.Sakthi Kumar

For Respondents : Mrs.S.Bharathi
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to implement the order of the first respondent passed vide proceedings in Na.Ka.No.3975/2016 Tho.Va, dated 19.12.2016 by appointing the petitioner on compassionate ground.

2.Heard Mr.M.Sakthi Kumar, learned counsel appearing for the petitioner and Mrs.S.Bharathi, learned Government Advocate, who took notice for the respondents. By consent, the Writ Petition is taken up for hearing and disposed of at the stage of admission itself.



3. The averments stated in the affidavit filed in support of this Writ Petition are as follows:-

WEB COPY The father of the petitioner, namely, M.Subburaj, was working in the second respondent society viz., A-915, Govinda Nagaram Primary Agricultural Cooperative Credit Society, Govinda Nagaram, Theni District, as Assistant. While he was in service, on 01.02.2013, he died leaving behind him, the petitioner, her mother - Vijayalakshmi and her younger sister by name Uma Maheswari, as legal heirs. The petitioner has completed Bachelor degree in Commerce and Diploma in Cooperative Management and she got married. As her mother and younger sister have consented and given No Objection for getting appointment to the petitioner on compassionate ground, the petitioner made an application before the second respondent on 21.06.2016 along with required certificates and documents. Considering her application, the Deputy Registrar of Cooperative Societies, Periyakulam, forwarded the said application to the first respondent herein recommending the case of the petitioner vide his letter bearing Na.Ka.1528/2016 Tho.Va., dated 31.08.2016. Having considered the recommendation of the Deputy Registrar of Cooperative Societies, Periyakulam, and also the Government Orders issued by the Government, the first respondent, vide his proceedings in Na.Ka.No.3975/2016 Tho.Va., dated 19.12.2016, gave permission to the second respondent to appoint the petitioner on compassionate ground.

4.It is further stated by the petitioner that despite the same, the second respondent has not passed any order on the application made by the petitioner, so far. Therefore, on 04.05.2017, the petitioner has given a representation to the second respondent narrating the above details, however, the second respondent has not consider the same. Hence, the petitioner has come forward with the present writ petition seeking a direction to the second respondent to implement the order passed by the first respondent dated 19.12.2016.

5.Considering the fact that the petitioner has submitted her application along with all required documents including No Objection Certificates given by her mother and her sister and on considering the order passed by the first respondent on 19.12.2016 granting permission



to the second respondent to issue appointment order to the petitioner forthwith, however, on some conditions and also required the second respondent to furnish the joining report of the petitioner forthwith, this Court is not able to find any reason on the part of the second to drive the petitioner unnecessarily from pillar to post to get her legitimate right to be appointed as Clerk (rpw;bwGj;jh;) in the second respondent society. In such circumstances, this Court is inclined to allow this Writ petition. Accordingly, this Writ Petition is allowed and the second respondent is directed to appoint the petitioner as Clerk (rpw;bwGj;jh;) forthwith in the light of the order passed by the first respondent on 19.12.2016. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To

1.The Joint Registrar,

Office of the Joint Registrar of Cooperative Societies,
Theni District.

2.The President,

A-915 Govinda Nagaram Primary
Agricultural Cooperative Credit Society,
Govinda Nagaram,
Theni District.

+2cc to The special Government Pleader,SR.57760,57763

+1cc to Mr.M.Sakthikumar,Advocate,SR.57991/17

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SKN

KK/SVMMS/SAR2-06.06.2017-3P-6C