

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.22198 of 2018

R.Soundharya

...Petitioner

Vs.

The Registrar

Office of the Registrar of Cooperative Societies,  
170, EVR Periyar Salai,  
N.V.Natarajan Maaligai,  
Kilpauk, Chennai-600 010.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent to pass orders on the representation dated 14.03.2018 seeking appointment on compassionate ground to any eligible post for the petitioner on merits and as per law and within a time to be stipulated.

For Petitioner : Mr.L.Chandrakumar  
For Respondent : Mr.L.P.Shanmugasundaram,  
Special Government Pleader for  
(Cooperative Societies)

O R D E R

Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, the learned Special Government Pleader, who accepts notice on behalf of the respondent. On consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, her father died in harness on 23.07.2011 while working as Sub Registrar with the respondent Cooperative Society. The petitioner, within a period of three years from the date of death of her father, has applied for compassionate appointment to relieve her family from distress that accrued on account of her father's premature death. But no decision on her application having been taken, she has made a representation in this regard on 14.03.2018. Since she has not been favoured with any response, she has come to this Court seeking a writ of mandamus directing the respondent to take a decision on such representation by providing her compassionate appointment in an appropriate post.

3. The learned counsel appearing for the petitioner submits that since the father of the petitioner died in harness and she fulfills all the eligibility criteria for compassionate appointment and as such, made a application, hence, the respondent is duty bound to take a decision on the same, extending the benefit of compassionate appointment as permissible under law, but no decision on the same having been taken, she has come to this Court seeking the aforesaid relief. Therefore, this Court may dispose of the Writ Petition with the relief sought for without seeking any reply affidavit, inasmuch as, the only prayer of the petitioner is to take a decision on the application made, which is pending with the respondent for more than four years, for which, she has also made a representation on 14.03.2018.

4. The learned Special Government Pleader appearing for the respondent submits that, if such representation is pending, the respondent shall have no objection to take a decision on the same and intimate the decision thereof to the petitioner within a reasonable period, but, this Court should not put any fetter on the merit of such representation in any manner.

5. After hearing the learned counsel appearing for the parties and going through the materials on record and also considering the nature of relief sought for by the petitioner, it appears that the petitioner's only prayer in this Writ Petition is for consideration of her representation to take a decision on the same in accordance with law. The application is one for compassionate appointment, which is required to be disposed of expeditiously. Otherwise, the same shall frustrate the very purpose for which it is made.

6. Considered the aforesaid facts and the submission made. Therefore, this Court disposes of this Writ Petition with a direction to the respondent to take a decision on the representation of the petitioner dated 14.03.2018 made for appointment on compassionate ground within a period of six weeks from the date of receipt of a copy of this order and intimate the decision thereof to her. However, it is made clear that the direction of this Court should not be treated as a mandate to consider the application for compassionate appointment in any particular manner. But, in the circumstances, there shall be no order as to costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sd

To

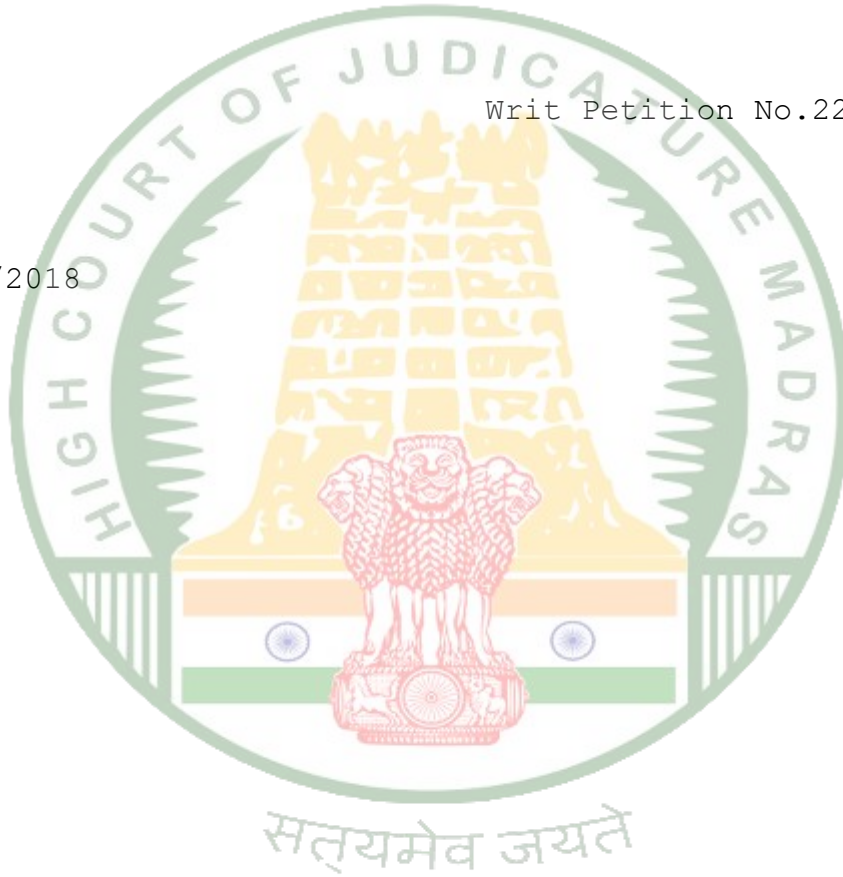
The Registrar  
Office of the Registrar of Cooperative Societies,  
170, EVR Periyar Salai,  
N.V.Natarajan Maaligai,  
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+1cc to Mr.L.Chandrasekaran, Advocate, S.R.No.59466.  
+1cc to the Government Pleader, S.R.No.59809.

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VG II(co)

rrs 24/09/2018



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