



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.395 of 2014

N.Jayalakshmi

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,  
Thanjavur.

2.The Deputy Registrar of Cooperative Societies,  
Kumbakonam,  
Thanjavur District.

3.Z-807, Someswarapuram  
Primary Cooperative Agricultural Credit Society Ltd.,  
Rep.by its President,  
Someswarapuram,  
Thanjavur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pertaining the impugned order passed by the 3rd respondent by his proceedings dated 10.10.2013 and quash the same and directing the 3rd respondent to issue appointment order to the petitioner on compassionate ground.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.S.Dhayalan, G.A.for R1 and R2  
Mr.D.Muruganandam, AGP for R3

### O R D E R

The petitioner has come forward with the present Writ petition to quash the proceedings of the third respondent dated 10.10.2013 and to direct the third respondent to issue appointment order to the petitioner on compassionate ground.

2.Firstly, the Writ petition is not maintainable as the relief sought for is against third respondent / Cooperative Society alone. The deceased employe, who is the husband of the petitioner, was never be a regular employee. Further, the total number of the sanctioned employe in the 3rd respondent was only three. Even though the petitioner has stated that her husband has worked for number of years, the same has been disputed. This Court cannot go into the disputed question of fact. The petitioner's husband suffered paralysis attack during the year 2007 and he was medically invalidated on 26.06.2012. The petitioner has sought for compassionate appointment on 21.07.2013 which was rejected on 10.10.2013 which is the subject matter in this Writ petition.



3.The reliance placed by the learned counsel appearing for the petitioner with regard to G.O.Ms.No.259 dated 07.11.2006 and G.O.Ms.No.10 dated 13.02.2009 may not be applicable to the facts of the case as the Society is governed by a special byelaw.

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4.Appointment of the dependent of an employee, who died in harness, is referred to in Regulation 42 and the relevant portion of Regulation 42(8) is extracted below:

"(8) The dependant of the deceased / medically invalidated employee whose services are not regularized is not eligible for the concession.

5.As the petitioner has not fulfilled any of the condition and that the question of deemed regularization under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 may not be applicable as the total strength of the establishment is only 3 and that the petitioner has not pleaded anywhere to the applicability of the said Act. Hence, I am of the view that the petitioner is not entitled to get any relief. Accordingly, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Joint Registrar of Co-operative Societies,  
Thanjavur.

2.The Deputy Registrar of Cooperative Societies,  
Kumbakonam,  
Thanjavur District.

3.Z-807, Someswarapuram  
Primary Cooperative Agricultural Credit Society Ltd.,  
Rep.by its President,  
Someswarapuram,  
Thanjavur District.

• 1 CC TO Mr.G.KANNAN , ADVOCATE IN SR No. 80646.  
+1 cc to Special Government Pleader, SR.No.80770.

NBJ

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