

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.883 of 2019
and C.M.P.No.6805 of 2019

A.Chithra Devi ...Appellant/Petitioner

Vs.

1. The Registrar,
Co-operative Societies,
N V Natarajan Maaligai,
170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010

2. The President,
Maligaikottam Primary Agricultural,
Co-operative Bank, Pennadam,
Cuddalore District ... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to
set aside the order dated 18.01.2019 in W.P.No.27616 of 2016
passed by this Court.

W.P.No.27616/2016:

Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Certiorarified Mandamus calling
for the connected records pertain to the impugned order dated
19.07.2016 of the 2nd respondent and quash the same as illegal
and void and consequently direct the respondents to consider and
grant appointment to the petitioner in any suitable post on
compassionate ground in the 2nd respondent bank or in any other
society under his control.

For Appellant : Mr.Ramesh Ganapathy

For Respondents: Mr.L.P.Shanmugasundaram
Spl. Government Pleader
[Co-Operative Society]

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The application submitted by the appellant for compassionate appointment was rejected by the 2nd respondent primarily on the ground that she was married seven years prior to the death of her father. The rejection order was unsuccessfully challenged before the Writ Court. Feeling aggrieved the appellant has come up with the intra court appeal.

2. We have heard the learned counsel for the appellant and the learned Special Government Pleader for the respondents.

3. The father of the appellant was an employee of Maligaikottam Primary Agricultural Co-operative Bank, Pennadam, 2nd respondent herein. He was employed as night watchman. He died on 21.11.2011 leaving behind the appellant and her mother. The appellant immediately thereafter, made an application on 23.01.2014 for compassionate appointment. Since action was not taken, she filed a Writ Petition in W.P.No.1763 of 2016. The learned single Judge by order dated 21.01.2016, directed the respondents to consider the application on merits. Thereafter, the application was considered and it was ultimately rejected by the 2nd respondent.

4. The core question is as to whether the 2nd respondent was correct in rejecting the request for compassionate appointment solely on the ground that the appellant was a married person and her marriage was seven years prior to the death of her father.

5. This Court has time and again made it very clear that solely on account of the marriage of the daughter, the claim for compassionate appointment, cannot be negated, in case she is otherwise eligible.

6. While considering the application for compassionate appointment, the authority has to consider the dependency as of the factor. Furthermore, the question as to whether the family was in indigenous circumstances and whether one among the legal representatives deserve appointment on compassionate basis are also to be considered by the authority.

7. In the subject case, the application was rejected only on the ground that the appellant was a married daughter.

8. After hearing the learned counsel for the respective parties, we are of the view that interest of justice would be sub-served by directing the 2nd respondent to consider the case

of the appellant on merits, by taking into account the relevant scheme relating to compassionate appointment.

9. The order dated 19.07.2016 passed by the 2nd respondent is set aside. The writ petition in W.P.No.27616 of 2016 is disposed of with a direction to the 2nd respondent to consider the representation submitted by the appellant for compassionate appointment on merits and as per law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of the Judgment

The Intra court appeal is allowed to the extent indicated above. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssd

To

1. The Registrar,
Co-operative Societies,
N V Natarajan Maaligai,
170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010
2. The President,
Maligaikottam Primary Agricultural,
Co-operative Bank, Pennadam,
Cuddalore District

+1 CC to M/s. Mission Legal Associates sr 58974.

+1 CC to Govt. Pleader sr 58863.

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VSNI (CO)
SP(22/08/2019)

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