

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.19221 OF 2019

AND

WMP.NO.18650 OF 2019

Selvi R.Soundarya

..Petitioner

Vs

The Registrar of Cooperative Societies
170 Periyar EVR High Road,
Post Box No.1091, Kilpauk,
Chennai.

..Respondent

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the order of the respondent made in Rc.No. 66559/2017/EM.4 dated 13.11.2018, to quash the same and consequently direct the respondent to forthwith appoint the petitioner to any eligible post on compassionate ground and to extend all benefits thereto.

For Petitioner : M/s.N.R.Jasmine Padma

For Respondents : Mr.L.P.Shanmugasudaram
Standing Counsel (Co.op)

ORDER

Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for records relating to the order of the respondent made in Rc.No. 66559/2017/EM.4 dated 13.11.2018, to quash the same and consequently direct the respondent to forthwith appoint the petitioner to any eligible post on compassionate ground and to extend all benefits thereto.

2. The case of the petitioner is that on 23.07.2011 the petitioner's father died while working as Cooperative Sub-

Registrar. The petitioner's mother made an application to the respondent seeking appointment to the petitioner on compassionate ground. The said application was not considered on the ground that the petitioner had not reached the minimum age requirement on the date of submission of the application. On 14.03.2018 the petitioner has again submitted a representation to the respondent seeking appointment on compassionate grounds. Since the said representation was not considered, the petitioner filed writ petition in W.P. No. 22198 of 2018. The High Court by its order dated 29.08.2018 directed the respondent to consider the representation on merit within a time stipulation. Pursuant to the said order, the respondent in Rc.No. 66559/2017/EM.4 dated 13.11.2018 had rejected the claim without recourse to Government Orders in force and that of settled principles of law. Challenging the same, the present writ petition is filed.

3. On the other hand, the learned standing counsel appearing for the respondent submitted that the application should be submitted within three years from the date of death of the Government servant and the applicant should have completed 18 years of age on the date of submission seeking appointment. It is further submitted that even though the petitioner attained 21 years now, she had not crossed the minimum age of 18 years on the date of application which is required under the rules. The learned standing counsel by mentioning the Sl.No. 10 of the grounds, submitted that a proposal has been sent to the Government for appointment and issue orders to the individual. The same is extracted hereunder;

" 10. The Respondent has limited powers and he can act only within the provisions available in Act and Government orders. However taking a lenient view, a proposal has been sent to Government vide Rc.No.66559/2017 EM4 dated 18.07.2019 to consider the request of the individual for appointment and issue orders."

4. Considering the submissions made by both the learned counsel and considering the fact that the respondent had sent a proposal to the Government for necessary orders, this Court directs the respondent to take steps immediately after receipt of the Government Orders and communicate the same to the petitioner.

5. In view of the above, the impugned order dated Rc.No. 66559/2017/EM.4 dated 13.11.2018 has become infructuous. The Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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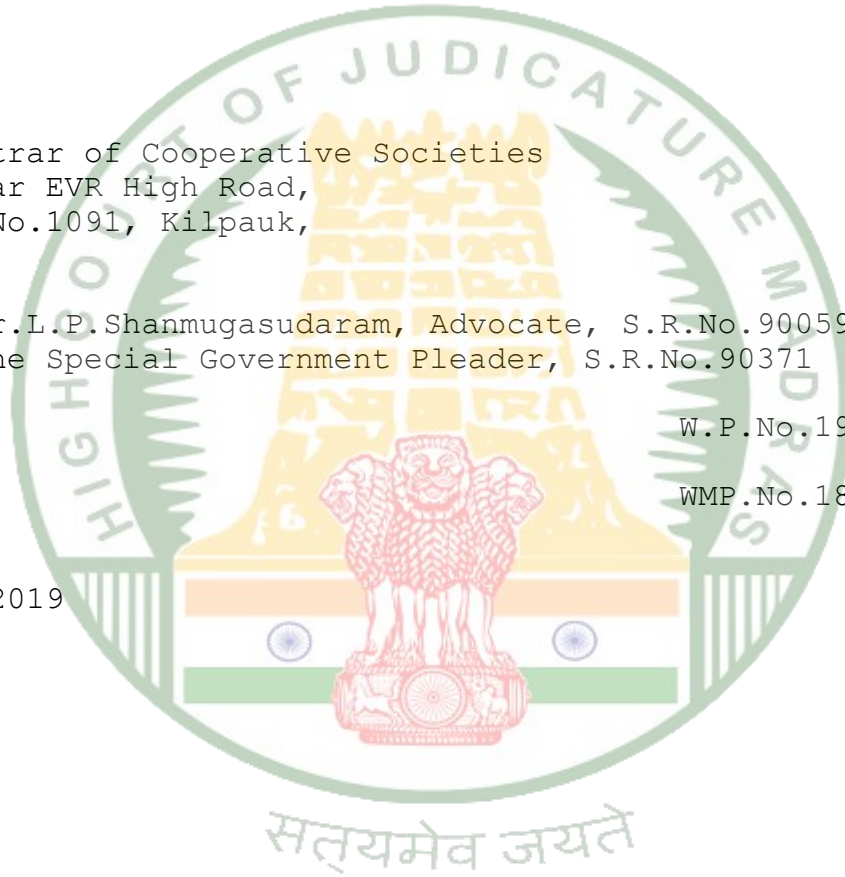
To

The Registrar of Cooperative Societies
170 Periyar EVR High Road,
Post Box No.1091, Kilpauk,
Chennai.

+1cc to Mr.L.P.Shanmugasudaram, Advocate, S.R.No.90059
+1cc to the Special Government Pleader, S.R.No.90371

W.P.No.19221 of 2019
and
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SPD(CO)
CS/05/12/2019



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