

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2019

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.19606 of 2013**

Janani Pandeewari

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Theni Division.2.The Special Officer
A.1663 Aundipatty Co-operative Stores Limited,
Aundipatty-625 512.
Theni District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 08.05.2012 in Na.Ka.No.3054/2011 Nu.Koo.(5) passed by the first respondent and quash the same and consequently direct the first respondent to appoint the petitioner in a suitable post.

For Petitioner : Mr.T.R.Jeyapalam
For R1 & R2 : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the order of rejection passed by the first respondent in proceeding dated 08.05.2012 with reference to the claim of the writ petitioner for appointment on compassionate ground.

2.The father of the writ petitioner viz., Late Elangovan, was working as a Salesman in a fair price shop run by the second respondent/Co-operative Society. He died on 18.08.2006. The petitioner states that her mother is visually impaired person and therefore, she submitted an application seeking appointment on compassionate ground. However, the case of the writ petitioner was rejected on the ground that she was a married daughter of the deceased employee and further, the deceased employee was a casual labourer and his services were not regularised in the sanctioned post in the time scale of pay. Permanent employees alone are entitled to claim the benefit of scheme on compassionate ground.



3.This Court is of the opinion that the second respondent/co-operative society itself is not a State within the meaning of Article 12 of the Constitution of India. This apart, the father of the writ petitioner died as an temporary employee and his services were not regularised, Tte scheme of compassionate appointment after this length of time cannot be implemented in favour of the writ petitioner.

4.In view of the fact that the father of the writ petitioner died in the year 2006, this being the reason, the writ petitioner is at liberty to participate in the process of selection if any notified for appointment to any post in the Co-operative Society, the scheme of compassionate appointment cannot be extended.

5.With these observation, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The Joint Registrar of Co-operative Societies,
Theni Division.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-80510[F] dated 08/08/2019)

+1 CC to M/s.SPL GP (SR-80732[F] dated 08/08/2019)

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ns

JM/13.09.2019/2P/4C