



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

**DATED: 01.07.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

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**W.P. (MD) No.14635 of 2019**

Kavitha

... Petitioner

vs.

1.The Registrar

Co-operative Societies

N V Natarajan Maaligai

170, Periyar EVR High Road

Kilpauk, Chennai

2.The Joint Registrar

Co-operative Societies

Theni Region, Theni

3.The Deputy Registrar

Co-operative Societies

Uthamapalayam

Theni District

4.The Sub-Registrar /

Managing Director

A1191 Co-operative Primary

and Rural Development Bank

Uthamapalayam, Theni District

5.The President

A1191 Co-operative Primary Agriculture

and Rural Development Bank

Uthamapalayam, Theni District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for records relating to the proceedings of the impugned order in Na.Ka.No.441/2019 Ne.Va dated 17.06.2019 passed by the 3rd respondent and quash the same as illegal and further direct the respondents herein to provide employment to the petitioner on compassionate ground.

For Petitioner : Mr.M.Maran

For Respondents : Mr.M.Pandiarajan

Additional Government Pleader

**ORDER**

The claim of the writ petitioner for compassionate appointment is rejected by the third respondent, vide order dated 17.06.2019, on the ground that the services of the husband of the writ petitioner were not regularized in the fifth respondent / Co-operative Society and further, there is no provision in the scheme of compassionate appointment to provide appointment in respect of the employees, who all are not permanent employees, as per the Circular issued by the Registrar of Co-operative Societies.

2. Though the impugned order has been passed by the Deputy Registrar of Co-operative Societies in proceedings dated 17.06.2019, as per the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act"), in respect of the service matter of the employees of the Co-operative Society, the Management of the Co-operative Society is the original authority and therefore, the aggrieved employees can approach the competent authority, namely, the Registrar of Co-operative Societies, under Section 153 of the Act. However, in the present case on hand, the Deputy Registrar of Co-operative Societies issued a letter stating that the husband of the writ petitioner was not a permanent employee of the fifth respondent / Co-operative Society.

3. This Court is of the considered opinion that the scheme of compassionate appointment is a concession. Compassionate appointment can never be claimed as a matter of right. The writ petitioner seeks compassionate appointment in the fifth respondent / Co-operative Society. A Co-operative Society, registered under the provisions of the Act, is not a State within the meaning of Article 12 of the Constitution of India. However, the present writ petition was filed on the ground that the Deputy Registrar of Co-operative Societies has issued a reply. The impugned order states that the husband of the writ petitioner was not a permanent employee of the fifth respondent / Co-operative Society and his services were not even regularized in the post of Supervisor. Therefore, as per the circular issued by the Registrar of Co-operative Societies and as per the terms and conditions of the scheme of compassionate appointment, there is no way for providing appointment to the writ petition on compassionate grounds.

4. However, the writ petitioner is at liberty to approach the Registrar of Co-operative Societies under the provisions of the Act. Section 153 of the Act provides revision and Section 154 provides review. Exhausting the statutory remedies is also a pre-condition for entertaining a writ petition. Aggrieved persons, at the first instance, must approach the competent appellate authority or the statutory authority for the purpose of exhausting the appeal remedy. In the present case on hand, the original order itself was passed by the Deputy Registrar of Co-operative Societies, without reference to any of the provisions of the Act. Under these circumstances, the writ petitioner is at liberty to approach the



competent appellate authority under the provisions of the Act for the redressal of her grievance.

5. With these directions, the writ petition stands dismissed. No costs.

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Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS- )

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To:

1. The Registrar,  
Co-operative Societies,  
N V Natarajan Maaligai,  
170, Periyar EVR High Road,  
Kilpauk, Chennai.
2. The Joint Registrar,  
Co-operative Societies,  
Theni Region, Theni.
3. The Deputy Registrar,  
Co-operative Societies,  
Uthamapalayam,  
Theni District.
4. The Sub-Registrar /  
Managing Director,  
A1191 Co-operative Primary  
and Rural Development Bank,  
Uthamapalayam, Theni District.
5. The President,  
A1191 Co-operative Primary Agriculture  
and Rural Development Bank,  
Uthamapalayam, Theni District.

+1 CC to M/s.M.MARAN, Advocate ( SR-72381[F] dated 01/07/2019 )

+1 CC to M/s.SPL GP ( SR-72805[F] dated 02/07/2019 )

**W.P. (MD) No.14635 of 2019**

**01.07.2019**