



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.3435 of 2014
and W.M.P(MD) No.14601 of 2016

N.Marithai

... Petitioner

-Vs-

- 1.The Registrar of Co-operative Societies,
NVN-Natrarian Malligai,
170, EVR Periyar High Road,
Kilpauk, Chennai - 10.
- 2.The Sub-Registrar of Co-operative Societies,
Office of Sub Registrar of Co-operative Societies,
Periyakulam, Theni District.
- 3.The Special Officer,
M.D.Spl-38,
Kullapuram Co-operative Societies,
Kullapuram, Periyakulam Taluk,
Theni District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified mandamus to call for the records of the second respondent in his proceedings Na.Ka.No.2388/2012 dated 3.6.2013 and quash the same as illegal and consequently direct the respondents to give suitable appointment to the petitioner by considering her representation dated 10.02.2014 within a time stipulated by this Court.

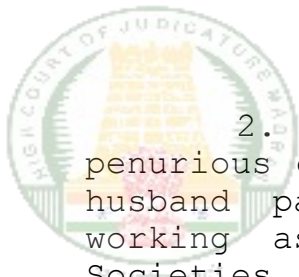
For Petitioners : Mr.Jana alias B.Janath Ahmed

For R1 & R2 : Mr.D.Muruganandham
Additional Government Pleader

For R3 : No appearance

O R D E R

The order of rejection dated 03.06.2014 rejecting the claim of the writs petitioner for compassionate appointment is under challenge in the present writ petition.



2. The writ petitioner pleads that her family is in penurious circumstances as the only bread winner of the family, her husband passed away. The husband of the writ petitioner was working as Junior Clerk in the third respondent Co-operative Societies and died on 02.09.2012. The petitioner had submitted an application seeking appointment on compassionate ground on 05.01.2012. The said application was rejected by the Deputy Registrar of Co-operative Societies in proceedings dated 03.06.2013.

3. The impugned order states that the services of the husband of the writ petitioner was not regularized. Further, as per the circular issued by the Registrar of Co-operative Societies, Chennai, the claim of compassionate appointment cannot be extended in respect of the employees who are all not working in permanent establishment. As far as the regularization of services of the employees of the Co-operative Societies are concerned, the issue was settled by the Division Bench of the Madras High Court in the case of **Justin Vs. the Deputy Registrar of Co-operative Society reported in 2002(4) CTC 389**. Now after this length of time, this Court cannot issue any direction to regularize the services of the husband of the writ petitioner as he died and at the time of death, the service of the husband of the writ petitioner was not regularized. In view of the fact that the husband of the writ petitioner was not deserved as permanent employee of the Co-operative society, the terms and conditions of the scheme of compassionate appointment do not permit to appoint the writ petitioner on compassionate grounds.

4. However, the benefits if any due on account of the death of the husband of the writ petitioner, the same is to be settled without causing any undue delay. The Co-operative Society is not a State even in the meaning under Article 21 of the Constitution of India. In view of the fact that the writ petitioner has pleaded indigency and she is unable to lead her livelihood along with the children, the petitioner is permitted to file a revision petition under Section 153 of Co-operative Societies Act and in the event of filing of revision petition under Section 153 of the Act before the competent authority, the competent authority is at liberty to consider the family situation of the writ petitioner and consider her case for any other fresh appointment in any other Co-operative society if there is any vacancy and the Rules permit.

5. In the result, this writ petition is dismissed. No costs. Consequently, connected W.M.P(MD)No.14601 of 2014 is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /



To

- 1.The Registrar of Co-operative Societies,
NVN-Natrarian Malligai,
170, EVR Periyar High Road,Kilpauk, Chennai - 10.
- 2.The Sub-REgistrar of Co-operative Societies,
Office of Sub Registrar of Co-operative Societies,
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- 3.The Special Officer,
M.D.Spl-38,Kullapuram Co-operative Societies,
Kullapuram, Periyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-73736[F] dated 05/07/2019)

+1 CC to M/s.JANA @ JANATH AHMED,Advocate
(SR-74064[F] dated 08/07/2019)

W.P. (MD) No.3435 of 2014
and W.M.P (MD) No.14601 of 2016
04.07.2019

ES/12.07.2019/3P/6C