



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD) .No. 2900 of 2016

M. Malliga : Petitioner
Vs.

1. The Deputy Registrar,
Madurai Circle, Alagarkovil Road,
Co-operative Marketing Society,
Madurai - 2.

2. The Joint Registrar,
Madurai Regional Office,
Madurai.

3. The Special Officer,
Melur Co-operative Marketing Society Limited,
Melur,
Madurai District.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent vide No.Na.Ka.162/2014/Na.Vi dated 30.10.2014 and quash the same as illegal and consequently to direct the respondents to appoint the petitioner in the third respondent's society on the compassionate ground in the suitable post.

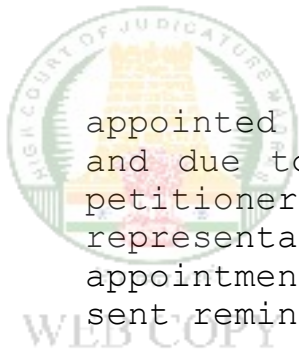
For Petitioner : Mr.V.P. Rajan

For Respondents-1 & 2 : Mr. A. Muthukaruppan,
Additional Government Pleader

For Respondent-3 : Mr.R. Velmurugan

ORDER

This Writ Petition has been filed to quash the impugned order, dated 30.10.2014 passed by the first respondent vide No.Na.Ka.162/2014/Na.Vi and also sought direction to the respondents to appoint the petitioner on compassionate ground in the third respondent's society.



appointed as Rice Mill Cleaner in the third respondent's society and due to his illness he died on 02.04.2007 leaving behind the petitioner, two children and his mother. The petitioner has made a representation, dated 15.01.2009 to appoint her on compassionate appointment. There is no response and hence, the petitioner has sent reminder to the respondents.

3. The further grievance of the petitioner is that her husband has completed 20 years of service in the third respondent's society. His service was not regularised, by counting the length of service in the department, the second respondent has rejected the claim of the petitioner for providing job under compassionate ground on the ground that the petitioner husband's service was not regularised. Challenging the aforesaid order, writ petition is filed by the writ petitioner before this Court.

4. The learned counsel appearing for the third respondent society has submitted that the petitioner has no legal rights to claim on compassionate ground, appointment in the third respondent's society. He specifically submitted that the petitioner is not eligible on compassionate ground appointment for the reason that deceased employee was not regularised by the department. The scheme for appointment under compassionate ground is only apply to the regular employees of the department. Therefore, there is no substance in the contention of the writ petitioner.

5. Admittedly, the writ petitioner's husband was an temporary employee under the third respondent society and his service was not regularised during his life time and the writ petitioner has not placed any Court order to substantiate her claim that the petitioner is eligible for the appointment under the compassionate ground. Hence, the order of the respondent is sustainable and the contention of the petitioner is liable to be rejected.

6. In view of the facts, the instant writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)



1. The Deputy Registrar,
Madurai Circle, Alagarkovil Road,
Co-operative Marketing Society,
Madurai - 2.

2. The Joint Registrar,
Madurai Regional Office,
Madurai.

+1 CC to M/s.SPL GP (SR-81209[F] dated 09/08/2019)

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