



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

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

W.P. (MD) No.3375 of 2020

WEB COPY

C.Selvi

... Petitioner

/vs./

1.The Registrar of Co-operative Societies,
170, E.V.R. High Road,
Kilpauk, Chennai-10.

2.The District Collector,
Kanyakumari District, Nagercoil.

3.The Joint Registrar of Co-operative Societies,
Collectorate Campus, Nagercoil.

4.The Deputy Registrar of Co-operative Societies,
Collectorate Campus, Nagercoil.

5.The President,
Kanyakumari District Revenue Department Employees
Co-operative Store cum Canteen Ltd KN6,
Collectroate Campus,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the fifth respondent to appoint the petitioner in anyone of the suitable posts in his society, as directed by the fourth respondent by his letter vide ந.க.எண்.540/2013 கப. dated 31.07.2014 and vide ந.க.209/2013 படுதா, dated 14.08.2014.

For Petitioner : Mr.C.T.Perumal

For R-1 to R-4 : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

For R-5 : Mr.P.Kannithevan

Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.The petitioner husband, who was the employee of the fifth respondent Co-operative Society, died in harness on 19.10.2012. The petitioner herein, who is the widow, had given a representation on 22.01.2013, seeking for appointment on compassionate ground. The said representation dated 22.01.2013 has been forwarded by the fourth respondent to the fifth respondent with the direction to issue appointment to the petitioner. Since the fifth respondent had not obliged to the direction of the fourth respondent, there was another letter sent by the fourth respondent dated 20.02.2019 directing the fifth respondent to give an employment to the petitioner on compassionate ground. In spite of these two letters of the fourth respondent, the fifth respondent has not acted on the same and the petitioner's appointment on compassionate ground has been pending for the past nine years. In view of the inaction on the part of the fifth respondent, the petitioner has filed the present writ petition.

3.Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the fifth respondent herein to consider the petitioner's representation, dated 26.08.2019, in the light of the fourth respondent letters dated 31.07.2014 and 20.02.2019 and pass appropriate orders, on its own merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp



To:

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+1 CC to M/s.C.T.PERUMAL, Advocate (SR-7390[F] dated 20/02/2020)

+1 CC to M/s.SPL.GP (SR-7788[F] dated 24/02/2020)

Order made in
W.P. (MD) No.3375 of 2020

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TR(10.03.2020) 3P 8C