



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.12.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.27218 of 2021

and

W.M.P.No.28716 of 2021

D.Manidevan, S/o Late Duraisamy .. Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,  
Perambalur.

2. The Deputy Registrar of Co-operative Societies,  
Perambalur.

3. The President,  
R-1227, Kalpadi Primary Agricultural Co-operative  
Credit Society Limited,  
Kalpadi, Perambalur Taluk & District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to grant compassionate appointment to the petitioner, based on the application, dated 05.06.2014 and the reply of the third respondent, dated 08.07.2014, for a suitable post for the death of the petitioner's father Duraisamy, son of Ayyamuthu, forthwith.

For petitioner: Mr.C.Prabakaran

For respondent: M/s.S.Anitha,

Spl.G.P. (Co-operative Societies)

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to grant compassionate appointment to the petitioner, based on the application, dated 05.06.2014 and the reply of the third respondent, dated 08.07.2014, for a suitable post, for the death of the petitioner's father Duraisamy, son of Ayyamuthu, forthwith.

2. The case of the petitioner is that his father was working as Cashier in the third respondent-Society and he died in harness on 21.01.2010 leaving behind his, (i) wife, (ii) the petitioner herein (son), (iii) his daughter and (iv) the other son .



3. According to the petitioner, his brother initially made an application seeking appointment on compassionate grounds on 11.09.2011, enclosing the required documents. The third respondent appeared to have passed a Resolution on 23.09.2011, recommending compassionate appointment of the petitioner's brother, based on his educational qualification. According to the petitioner, the Resolution was also endorsed by the Special Officer.

4. Unfortunately, while the application was being favourably considered, his brother died on 23.04.2014. Thereafter, the petitioner appeared to have submitted an application to the third respondent-Society on 05.06.2014 claiming compassionate appointment for himself. After that, the petitioner has not taken any active steps and the only reason that is stated in the affidavit filed in support of the Writ Petition, is that there was no vacancy in the third respondent-Society.

5. The present Writ Petition has been filed in the year 2021 seeking direction to grant compassionate appointment based on his application dated 05.06.2014. From the factual narrative as a whole, it could be seen that originally, the cause of action has arisen as early as on 21.01.2010 when the petitioner's father died in harness. Although the petitioner's other brother has applied within time, unfortunately, he died on 23.04.2014. Thereafter, the petitioner herein has applied for compassionate appointment on 20.11.2021, but nothing has been spelt out and no reasons have been stated in the affidavit filed in support of the Writ Petition, as to what had happened between 2014 and 2021.

6. The offer of compassionate appointment is only by way of immediate grant of employment assistance to the family of the deceased-employee. Such offer cannot be kept pending for years together for the petitioner to avail such assistance at this distant point of time.

7. Unless the petitioner is able to come up with a clear case for grant of relief in relation to the scheme of compassionate appointment, such stale or belated claim cannot be entertained by this Court at all.

8. In the absence of any reasons at all, the claim made by the petitioner is not maintainable, as it is hopelessly time-barred and hit by severe laches. It is needless to mention that the claim for compassionate appointment cannot be made after lapse of long period of time. Such appointment, cannot be offered after lapse of more than a decade, as in the present case on hand.



9. For the above reasons, this Court does not find any merit in this Writ Petition, which is accordingly dismissed. No costs. Consequently, W.M.P. is closed.

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Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Joint Registrar of Co-operative Societies,  
Perambalur.
2. The Deputy Registrar of Co-operative Societies,  
Perambalur.
3. The President,  
R-1227, Kalpadi Primary Agricultural Co-operative  
Credit Society Limited,  
Kalpadi, Perambalur Taluk & District.

+1 cc to Mr.C.Prabakaran, Advocate Sr.NO. 69225

+1 cc to Government Pleader Sr.NO. 69758

W.P.No.27218 of 2021

GJ(CO)

A.SK(21.01.2022)