



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.6408 of 2019

and

W.M.P. (MD)No.5120 of 2019

WEB COPY

M.A.Sathesh Krishnan

... Petitioner

Vs.

1.The Deputy Registrar,
Divisional Co-operative Societies,
1/138, Medona Street,
Veerapandianpattanam,
Thiruchendur Taluk,
Thoothukudi District.

2.The President,
O.1084 A.K.L. Co-operative Store,
Arumuganeri, Thiruchendur Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed in அ.ப.ப.1429/2018 ந.அ. dated 09.05.2018 by the 1st respondent herein and quash the same and consequently directing the 1st respondent to provide the job to the petitioner under the ground of Compassionate Appointment.

For Petitioner : Mr.A.Sankararamasbramanian

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for Govt for R1
No Appearance for R2.

ORDER

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 09.05.2018, passed by the first respondent and to direct the first respondent to consider the case of the petitioner for appointment on compassionate grounds.

2.The case of the petitioner is that his father was working as Salesman at the second respondent store and he died on 27.08.2014, while he was in service. On 16.02.2015, the petitioner made an application seeking compassionate appointment. According to the petitioner, the said application was rejected without any valid reason. Challenging the same, the present Writ Petition has been



filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner has submitted his application on 16.02.2015, seeking compassionate appointment within the three years period, along with requisite certificates, including no objection letters from the other legal heirs of the deceased employee. The learned counsel further submitted that since the petitioner's family is in indigent circumstances after the death of the sole breadwinner, the petitioner's case may be considered for compassionate appointment.

4.The learned Standing Counsel for Government appearing for the respondents submitted that the petitioner without giving explanation to the query raised by the first respondent, has approached this Court and filed this Writ Petition. Therefore, the petitioner has to resubmit his application and hence, prays for dismissal of this Writ Petition.

5.I have anxiously considered the rival submissions and perused the materials available on record.

6.On a perusal of the impugned order, it is seen that the application of the petitioner was returned calling for explanation to the query raised by the first respondent. Therefore, the Writ Petitioner has to re-submit his application explaining the query raised by the first respondent. If the respondents are satisfied with the explanations, the petitioner's application will be considered.

7. In view of the above, this Court is inclined to pass the following order:

The petitioner is directed to re-submit his application explaining the query raised by the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On such application being submitted by the petitioner, the first respondent shall consider the petitioner's application and pass appropriate orders, as expeditiously as possible, without any further delay.

8.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

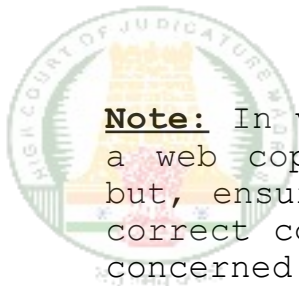
Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The Deputy Registrar,
Divisional Co-operative Societies,
1/138, Medona Street,
Veerapandianpattanam,
Thiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.The Special Government Pleader (SR-26763[F] dated 19/08/2021)

W.P(MD)No.6408 of 2019

18.08.2021

RS (02.09.2021) 3P 3C