



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.2152 of 2018

WEB COPY

S.Devika

...Petitioner

/Vs./

1.The President,
M.M.117, Panchamadevi Primary
Agricultural Co-operative Loan Society,
Panchamadevi Post, Manmangalam Taluk,
Karur District.

2.The Deputy Registrar,
Office of the Deputy Registrar-
Co-operative Societies, Karur Circle,
106, Navaladiyan Complex,
Anna Nagar, Thanthoni Post,
Karur Taluk, Karur District.

3.The Joint Registrar,
Office of the Joint Registrar-
Co-operative Societies,
Karur Region,
No.55, Additional Building,
District Collector Office Post,
Karur Taluk,
Karur District.

4.The Registrar,
Office of the Registrar of
Co-operative Societies,
170, Periyar E.V.R.Highway,Kilpaukkam,
Chennai-600010.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 11.05.2017 by second respondent in நக.21/2017/வேசேச and quash the same and consequently directing the 3rd respondent to appoint the petitioner to any suitable post based on her educational qualification on compassionate ground.

For Petitioner : Mr.S.Chidambaranathan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

**ORDER**

The petitioner challenges an order dated 11.05.2017 passed by District Registrar of the Co-operative Societies/R2 rejecting her representation dated 13.04.2017 seeking compassionate appointment in place of one Santhanam, whom she claimed had adopted her, and had passed away on 07.12.2003 while working as Peon in the R1 Co-operative Society.

2. The petitioner appears to have been making repeated representations seeking appointment on compassionate basis. In fact, an order has been passed on 05.02.2004 by R2 rejecting her request on the ground that the prevailing policy of the State did not permit the appointment of an adopted daughter, who was married.

3. This order has not been challenged, but, more importantly, has not even been disclosed in the affidavit filed. The order has been received by the mother of the petitioner, who has acknowledged receipt of the same, in the presence of two witnesses. Thus, the petitioner was well aware of the fact that her request has been rejected as early as in 2014.

4. That apart, the impugned order refers to a legal heirship certificate produced by her mother [who has attested the receipt of order dated 05.02.2004]. The Certificate dated 05.01.2004 reflects that 'Thirumathi Kamatchi' aged 50 was the sole surviving legal heir of M.Santhanam.

5. The petitioner's mother is said to have been received the retirement benefits of the said Santhanam on the strength of the aforesaid certificate,. While this is so, and solely to stake her claim for compassionate appointment, the petitioner has produced yet another certificate dated 30.06.2006, which reflects the names of 'Thirumathi Kamatchi' as well as 'Thirumathi Devika'/ petitioner herein, as legal heirs of M.Santhanam.

6. All is certainly thus not well as regards the factual matrix presented before the Court. The claim of the petitioner rests on her so-called adoption by M.Santhanam. Though an adoption deed dated 21.06.1987 is produced, the adoption, as per the submissions of the learned counsel for the respondent, is itself suspect.

7. However, even assuming, without prejudice to the respondent's case that the adoption was valid in the eyes of law, the policy of the State stands in the way of this Court accepting the petitioner's case.

8. A copy of G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020, is placed on record which crystallizes all Government Orders issued thus far on the question of compassionate appointment and the persons who are eligible for the same. There is, in page No.6 of the aforesaid Government Order, a clear bar set out for compassionate appointment of an adopted married daughter.



9. In light of the discussion as above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

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.

To

- 1.The President,
M.M.117, Panchamadevi Primary
Agricultural Co-operative Loan Society,
Panchamadevi Post, Manmangalam Taluk,
Karur District.
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+1 CC to M/s.SPL GP (SR-37427[F] dated 06/12/2021)

W.P. (MD) No.2152 of 2018

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MGJ(31.01.2022) 3P 6C

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