



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.19973 of 2021

J.Jenifer Rajkumar

... Petitioner

versus

1. The Special Officer,
Madurai District Co-operative
Milk Producer's Union Ltd.,
Old Sivagangai Road,
Madurai - 625 020.

2. General manager,
Madurai District Co-operative
Milk Producer's Union Ltd.,
Old Sivagangai Road,
Madurai - 625 020.

... Respondents

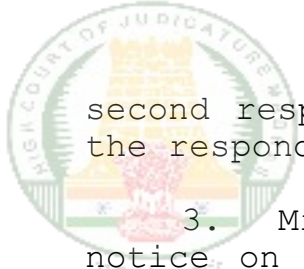
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 03.09.2021, within the time stipulated by this Court.

For Petitioner	:	Mr.Madhava Govindan for N.Murugesan
For Respondents	:	Mr.R.Suresh Kumar, Government Advocate (Civil)

ORDER

The writ petition is filed for a mandamus, directing the respondents to consider the petitioner's representation dated 03.09.2021, within the time stipulated by this Court.

2. The case of the petitioner is that he is the adopted son of one Baskaran, who died in the year 2005 while in service. Therefore, he sent a representation dated 31.08.2006 to the second respondent to appoint him on compassionate ground. Thereafter, the respondents sent a reply on 17.10.2007, directing the petitioner to furnish the death certificate, legal heir certificate, income certificate and property details and no objection certificate and also the educational qualification certificate. Therefore, he filed a suit in O.S.No.130 of 2007 on the file of the Additional District Munsif Court, Madurai, to declare him as legal representative of the deceased Baskaran. The said suit was decreed as prayed for on 12.02.2008. Thereafter, he submitted a further representation dated 03.09.2021 to the respondents and the same was acknowledged by the



second respondent on 04.09.2021. Since there was no response from the respondents, the present writ petition has been filed.

3. Mr.R.Suresh Kumar, learned Government Advocate, who takes notice on behalf of the respondents, submits that in view of the order passed by this Court in the case of **K. Marappan V. Deputy Registrar of Co-operative Societies, Namakkal** reported in **2006 4 L.W. 495**, the writ petition is not maintainable. He further submits that the application for compassionate appointment has to be made within a period of three years from the date of death of the deceased. But, the petitioner has not applied for compassionate appointment, within a period of three years from the date of death of his father. Therefore, he is not entitled for appointment on compassionate ground.

4. This Court paid its anxious consideration to the rival submissions made and perused the materials placed on record.

5. The petitioner is seeking for appointment on compassionate ground, claiming that he is the foster son of the deceased employee, on the strength of the decree passed by the learned Additional District Munsif, Madurai, in O.S.No.130 of 2007, on 12.02.2008.

6. On a perusal of the decree passed by the learned Additional District Munsif, Madurai in O.S.No.130 of 2007, it is seen that learned Judge, without verifying the genuineness of the document and without discussing anything, simply decreed the suit as prayed for.

7. On the strength of the said decree, the petitioner is seeking for compassionate appointment. This Court is not satisfied with the manner in which the decree was obtained from the learned Additional District Munsif, Madurai. Furthermore, though the decree was obtained in the year 2008, the petitioner has not produced the same before the respondents and not opted to make representation before the respondents in time. Therefore, this Court is not inclined to grant any relief as sought for in this writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

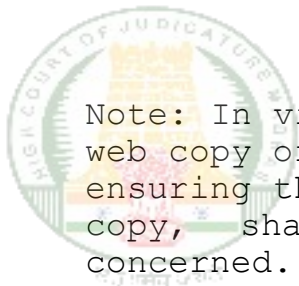
Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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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 Special Officer,
Madurai District Co-operative
Milk Producer's Union Ltd.,
Old Sivagangai Road,
Madurai - 625 020.

2. The General manager,
Madurai District Co-operative
Milk Producer's Union Ltd.,
Old Sivagangai Road,
Madurai - 625 020.

+1 CC to M/s.SPL.GP (SR-33915[F] dated 10/11/2021)

+1 CC to M/s.N.MURUGESAN, Advocate (SR-33744[F] dated 09/11/2021)

W.P(MD)No.19973 of 2021

08.11.2021

_RD(06.12.2021) 3P 5C