



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) .No.15016 of 2018

and

W.M.P.No.13554 of 2018

WEB COPY

K. Ameen Ansari

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
District Level Officer Complex,
Plot No.1
Collectorate,
Theni District,
Theni.

2. The Special Officer,
M. D. Spl.30,
Poothipuram Primary Co-operative Bank,
Poothipuram Post,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.1180/2018 SP dated 20.06.2018 and consequentially to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioner's qualification within the stipulated time fixed by this Court.

For Petitioner : Mr. C. Venkatesh Kumar

For Respondents : Mr. A.K. Manikkam,
standing Counsel for Government

O R D E R

The writ petitioner is challenging the impugned rejection order in Na.Ka.1180/2018 SP dated 20.06.2018 passed by the first-respondent for the reason that the petitioner's deceased father was not regularised by the respondent and therefore the petitioner is not eligible for appointment on compassionate grounds. In the said impugned order, it was stated that as the services of the petitioner's father were not regularised, as per Government Order in G.O.Ms.18, Co-operation, Food and Consumer

<https://hcservices.courts.gov.in/hcservices/> Procurement Department, dated 12.03.2001, the petitioner is not



entitled for appointment on compassionate grounds.

2. In the counter filed by the respondent it has been stated that though the petitioner's deceased father has worked for 33 years in a post which did not come under the cadre strength and therefore his service was not regularised and according to the learned Government Counsel his appointment is called as irregular appointment.

3. The Learned counsel for the Petitioner submits that the only ground taken in the counter is that the petitioner's father was not a regular employee in the Department. It is argued on behalf of the petitioner that after having served for 33 years, now the respondent putting forth a case that his services were not regularised, is violates, improper and contrary to the fact, particularly after having granted a time scale of pay to the deceased father of the petitioner. It is further argued on behalf of the petitioner that the eligibility criteria for considering the appointment on compassionate grounds for the legal heirs of the employees who were on regularised time scale of pay, has not been considered by the authority. Therefore, the learned counsel for the petitioner seeks that an opportunity shall be granted to the petitioner to place all the records before the authority concerned to establish that the petitioner is eligible for the appointment on compassionate ground, as per the G.O.Ms.18, Labour and Employment Department, dated 23.01.2020.

4. In view of such submissions made on behalf of the petitioner, this Court is of the view that the petitioner shall be given an opportunity to furnish factual materials before the second-respondent within two weeks from the date of receipt of a copy of this order and the first-respondent based on the particulars submitted by the petitioner, has to consider afresh and pass appropriate orders in accordance with G.O.Ms.18 Labour and Employment Department, dated 23.01.2020 within a period of 12 weeks from the date of receipt of the Representation from the petitioner.

5. With this above direction, the Writ Petition stands allowed and the impugned order is quashed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26341[F] dated 16/08/2021)

+1 CC to M/s.SPL GP (SR-26499[F] dated 17/08/2021)

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KMV (CO)
SB(14.09.2021) 3P 5C