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W.P.No.1933 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1933 of 2019

M.Kalai Arasan

... Petitioner

Versus

1. The Secretary to Government,
Co-operative Food and Consumer Protection Department,
Secretariat, Chennai-600 009.
 2. The Registrar of Cooperative Societies,
Chennai-600 010.
 3. The Joint Registrar of Cooperative Societies,
Salem.
 4. The Deputy Registrar of Cooperative Societies,
Omalur, Salem District.
 5. The President,
S-327 MN Patty Primary Agricultural Cooperative Society Limited
Tholasampatty Post, Mettur Taluk,
Salem District
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the fourth respondent relating to the order in Pro.Na.Ka.No.3508/2015/Sa.Pa dated 27.11.2015, to quash the same and to issue consequential directions to the respondents to give appointment to the petitioner on compassionate grounds in any suitable post in the basic service of the Co-operative Society consequent on



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the death of his father, Thiru.K.Manickam on 06.11.2005 while on service in the society.

For Petitioner : Mr.G.Punniakoti
For Respondents : Mr.G.Ameedius
Government Advocate
For R.1 to R.4
Mr.L.P.Shanmugasundaram
For R.5

ORDER

This writ petition has been filed challenging the impugned order dated 27.11.2015, under which, the petitioner's request for compassionate appointment has been rejected on the following grounds:

- a) The petitioner has not applied within three years from the date of the employee's death;
- and
- b) The petitioner is not qualified for any compassionate appointment as he did not possess SSLC qualification on the date of employee's death.

2. Admittedly, the petitioner completed his SSLC only in the year 2019. The petitioner's father, who was the employee, died in the year 2005 itself. The petitioner is now aged 35 years.

3. Learned counsel for the petitioner has produced a representation of the petitioner dated 12.01.2006, requesting for compassionate appointment, but,



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the receipt of the said representation is denied by the respondents.

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4. The learned counsel for the fourth respondent categorically contends that the application was submitted by the petitioner, seeking for compassionate appointment, only in the year 2015. The acknowledgement of the respondents produced by the petitioner before this Court is also denied by the respondents.

5. Since there is no conclusive evidence to establish that the petitioner had submitted the application, seeking for compassionate appointment within a period of three years from the date of employee's death and that too, when there is no communication between the petitioner and the respondents between the years 2005, when the employee died and the year 2015, when the petitioner had given a representation i.e., on 23.03.2015, this Court has to necessarily believe the statement of the respondent that the application for compassionate appointment was submitted only beyond the period of three years i.e., only on 23.03.2015 and not earlier.

6. Having completed SSLC only in the year 2019 though the deceased

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died in the year 2005 itself, the question of awarding compassionate appointment to the petitioner will not arise. The fourth respondent has rightly rejected the petitioner's request under the impugned order.

7. This Court does not find any merit in the writ petition and accordingly, the writ petition is dismissed. No costs.

23.09.202

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

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