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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 403 of 2022

D.Manidevan

... Appellant

-vs-

1. The Joint Registrar of Co-operative Societies,
Perambalur.
2. The Deputy Registrar of Co-operative Societies
Perambalur.
3. The President,
R-1227, Kalpadi Primary Agricultural
Co-operative Credit Society Limited,
Kalpadi,
Perambalur Taluk & District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 23.12.2021 passed in W.P.No.27218 of 2021 and allow the above Writ Appeal.

Prayer in WP.No.27218 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to grant compassionate appointment to the petitioner, based on the application, dated 05.06.2014 and the reply of the third respondent, dated 08.07.2014, for a suitable post for the death of the petitioner's father Duraisamy, son of Ayyamuthu, forthwith.

For Appellant	:	Mr.C.Prabakaran
For Respondents	:	Mr.P.Kumaresan Additional Advocate General Assisted by Ms.S.Anitha (R1 and R2) Spl.Government Pleader (Co-op.)



J U D G M E N T

S.VAIDYANATHAN., J
and
MOHAMMED SHAFFIQ., J

This Writ Appeal has been directed against the order dated 23.12.2021 made in W.P.No.27218 of 2021, in dismissing the Writ Petition.

2. The facts in nutshell placed before this Court are as follows:

(i) According to the Appellant/Writ Petitioner his father was working as a Cashier in the 3rd Respondent Society and he died in harness on 21.01.2010 leaving behind his wife, two sons, and a daughter as his Legal Heirs. Initially the Petitioner's brother made an application on 11.09.2011 to the Respondents, along with necessary documents, seeking compassionate appointment, but unfortunately at the time of consideration of the said Application, the Writ Petitioner's died on 23.04.2014. Thereafter, on 05.06.2014, the Writ Petitioner made an application to the 3rd Respondent, seeking Compassionate Appointment, based on his educational qualification. On receipt of the same, the 3rd Respondent has sent a reply on 08.07.2014 stating that no vacancies were available as on date and the candidature of the Writ Petitioner will be considered on seniority basis.

(ii) After coming to know of the fact that one Navamani, who was working as writer in the 3rd Respondent Society died due to Covid-19, the Writ Petitioner made a representation to the Respondents on 20.11.2021 requesting to consider him for Compassionate Appointment. Since, no action was taken the Writ Petitioner approached this Court by way of filing the Writ Petition in W.P.No.27218 of 2021. The learned Single Judge vide order dated 23.12.2021 dismissed the Writ Petition on the ground that the Claim of the Writ Petitioner is belated and that the offer of Compassionate Appointment is only to overcome immediate crisis which cannot be kept pending. The said order is under challenge in the present Writ Appeal.

3. The learned counsel appearing for the Appellant/Writ Petitioner submitted that the earlier Application made by the Writ Petitioner for Compassionate Appointment on 20.11.2021 was not considered by the Respondents for the reason that there were no vacancies available as on date and therefore only after coming to know about the death of an employee in the 3rd



Respondent Society, the Writ Petitioner made an Application on 20.11.2021 and therefore there is no delay on the part of the Writ Petitioner, but the learned Single Judge failed to consider the said aspect and dismissed the Writ Petition. He further submitted that the Writ Petitioner's is presently working in TASMAC on consolidated basis and the said Employment is not a bar for the Respondents to consider a suitable placement on Compassionate grounds.

4. It is represented by the learned Additional Advocate General appearing for the Respondents that the Writ Petitioner has committed irregularities with regard to supply of liquor bottles, for which departmental action was taken.

5. In reply to the same, the learned counsel appearing for the Appellant/Writ Petitioner submitted that the Writ Petitioner has paid the entire amount and thereafter departmental proceedings have been dropped against him.

6. In view of the same, the Respondents are directed to consider the case of the Appellant/Writ Petitioner for permanent absorption on Compassionate grounds, if he is otherwise eligible and the decision shall be taken within a period of four months from the date of receipt of a copy of this order.

This Writ Appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Joint Registrar of Co-operative Societies,
Perambalur.
2. The Deputy Registrar of Co-operative Societies
Perambalur.



3. The President,
R-1227, Kalpadi Primary Agricultural
Co-operative Credit Society Limited,
Kalpadi,
Perambalur Taluk & District.

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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.16300

+1cc to the Government Pleader, S.R.No.16280

W.A.No. 403 of 2022

SS(CO)
SU(01/04/2022)