



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5683 of 2021

WEB COPY

Vinayagaselvi

... Petitioner

vs.

1.The Registrar of Co-operative Societies

170, N.V.N.Maalgai

E.V.R.High Road

Kilpauk, Chennai-600 010

2.The Joint Registrar / Managing Director

Tirunelveli District Central

Co-operative Bank Ltd.,

Vannarapettai, Tirunelveli-627 003

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No.657/2019/E2, dated 19.02.2021, quash the same as illegal, and consequently directing the respondents to appoint the petitioner in the respondents department on compassionate basis without reference of her marriage.

For Petitioner : Mr.Prasanth.S.

For Respondent : Mr.P.Thilak Kumar

Government Pleader

assisted by Mr.M.Ramesh

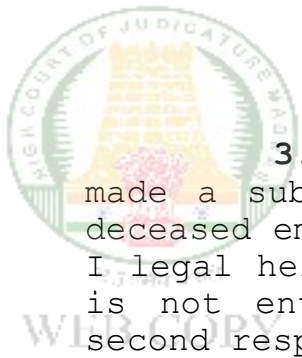
Government Advocate for R1

Mr.D.Shanmugaraja Sethupathi for R2

O R D E R

The order, dated 19.02.2021, passed by the Managing Director of Tirunelveli District Central Co-operative Bank Limited, declining the request of the petitioner for compassionate appointment, is under challenge in this writ petition.

2. The petitioner states that her brother was working in the respondent - Central Cooperative Bank and died while he was in service. First of all, the Central Cooperative Bank is a Cooperative Society registered under the Tamil Nadu Cooperative Societies Act, 1983 and therefore, no writ needs to be entertained. Hence, the petitioner has to approach the Revisional Authority under the provisions of the Tamil Cooperative Societies Act, 1983.



3. The learned counsel appearing for the second respondent made a submission that the petitioner is a married sister of the deceased employee and therefore, she is not falling under the Class-I legal heir under the succession law and therefore, the petitioner is not entitled for appointment on compassionate grounds in the second respondent - Cooperative Bank services.

4. In view of the fact that the petitioner is a Class-II legal heir as far as the deceased employee is concerned, the scheme of compassionate appointment cannot be extended to her. Further, the impugned order has been passed by the Cooperative Bank, which is not a State within the meaning of Article 12 of the Constitution of India. Thus, there is no infirmity in the impugned order.

5. For all these reasons, the writ petition is dismissed. No costs.

Sd/-

Deputy Registrar (LA & MC)

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/ /2022

Sub Assistant Registrar(CS)

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To:

The Registrar of Co-operative Societies,
70, N.V.N.Maaligai,
E.V.R.High Road,
Kilpauk, Chennai-600 010.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-9559[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9439[F] dated 02/03/2022)

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MGJ(16.03.2022) 2P 4C