



W.P. No. 7448 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.03.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 7448 of 2023**

M. Arivarasan

... Petitioner

-VS-

1. The Registrar of Co-operative Societies,  
Door No. 170, EVR Periyar High Road,  
Kilpauk, Chennai – 10.

2. The Joint Registrar of Co-operative Societies,  
Dharmapuri Region,  
2<sup>nd</sup> Cross Street,  
Appavu Nagar,  
Dharmapuri District.

3. The Deputy Registrar of Co-operative Societies,  
Dharmapuri Regional Office,  
Athiyaman Park,  
Collectorate Backside,  
Dharmapuri District.

4. The Secretary,  
S522, Dhandukaranahalli Primary  
Agricultural Co-operative Society,  
Pallacodu Taluk,  
Dharmapuri District.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to grant appointment on compassionate grounds to the Petitioner in the Fourth Respondent S522, Dhandukaranahalli Primary Agriculture Co-operative Society, Pallacodu Taluk, Dharmauri District.



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For Petitioner : Mr. M.Purushothaman  
For Respondents : Mr. K.Kathick Jeganath,  
Government Advocate (R1 to R3)  
Mr. V.Nanmaran,  
Additional Government Pleader (R4)

## ORDER

Heard Mr. M.Purushothaman, Learned Counsel for the Petitioner and Mr. K.Kathick Jeganath, Learned Government Advocate who takes notice for the First to Third Respondents and Mr. V.Nanmaran, Learned Additional Government Pleader who takes notice for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The father of the Petitioner, viz., V.Manimaran, while working as Office Assistant in the Co-operative Society of the Fourth Respondent died on 30.06.2016, while in service and a representation dated 12.01.2016 was made by the Petitioner to the Respondents for appointing him on compassionate grounds. It is claimed that though the Respondents assured that action would be taken on the said representation, it did not evoke any response, which has necessitated the Petitioner to approach this Court.



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3. At the outset, it must be highlighted here that the Hon'ble Supreme Court of India in the authoritative pronouncement in *A.Umarani -vs- Registrar, Co-operative Societies* [(2004) 7 SCC 112] has ruled that appointments in co-operative societies across the State of Tamil Nadu would have to be strictly made only against sanctioned vacancies on determination of cadre strength following the prescribed procedure for recruitment including reservation as applicable. Further it has been reiterated by the Hon'ble Supreme Court of India in *State of West Bengal -vs- Debabrata Tiwari* (Order dated 03.03.2023 in Civil Appeal Nos. 8842-8855 of 2022) that appointments cannot be made on compassionate grounds in the absence of a scheme governing the same.

4. When it was pointed out that the Petitioner has not produced any scheme governing compassionate appointment in the Co-operative Society of the Fourth Respondent with particulars of vacancies in sanctioned posts, Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition reserving the right of the Petitioner to ascertain the required details and pursue the further course of action in the matter.



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**WEB COPY** In such circumstances, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

13.03.2023

*Maya*

Index: Yes/No

Neutral Citation: Yes/No

**Note: Issue order copy by 31.07.2023**

To

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**P.D. AUDIKESAVALU, J.**

*Maya*

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