



W.P.No.34528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34528 of 2022 and W.M.P. No.33981 of 2022

C.Sushil Joshwin

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
EVR High Road,
Poonammallee High Road,
Kilpauk,
Chennai 600 012.

2.The Joint Registrar of Co-operative Societies,
Erode Circle, Erode.

3.The Deputy Registrar of Co-operative Societies,
Erode Circle, Erode.

4.The Administrator/Secretary,
C.E.11 The Erode District Judicial Staff
Co-operative Thrift and Credit Society Ltd.,
Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned order passed by the third respondent in Na.Ka.No.1360/2020/Pa.Thou. Dated 08.12.2022 and quash the same and consequently direct the respondents to consider the application of the petitioner seeking appointment on compassionate grounds within reasonable time.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.D.Ravichander,
Special Government Pleader
for R1 to R3

Mr.K.Suresh for R4

ORDER

Challenging the impugned order dated 08.12.2022 passed by the third respondent in Na.Ka.No.1360/2020/Pa.Thou. and seeking a direction to the respondents to consider the application of the petitioner seeking appointment on compassionate grounds, this writ petition has been filed.

2.The grievance of the petitioner in this writ petition is that the respondents have failed to take note of the Circular dated 12.02.2009, issued by the Registrar of Co-operative Societies, Kilpauk, Chennai in Circular No.3/2009 before rejecting the petitioner's representation seeking for



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compassionate appointment on account of the death of his father G.Charles

Sugumar, who was in employment with the fourth respondent Society.

3.On the last hearing date, this Court had directed the learned Special Government Pleader to get instructions as to whether the Circular relied upon by the petitioner, referred to supra, is applicable to the case of the petitioner or not. He would now submit that he is unable to get written instructions with regard to the directions issued by this Court.

4.Since the petitioner categorically contends that the Circular dated 12.02.2009 issued by the Registrar of Co-operative Societies in Circular No.3/2009 is applicable to him and the same has not been applied by the respondents, the impugned order has to be necessarily quashed and the matter has to be remanded back to the respondents for fresh consideration, on merits and in accordance with law. The relevant portion of the Circular, which the petitioner relies upon, is extracted hereunder:

“Notwithstanding that there is no vacancy in the approved cadre strength in the entry level post, the society may, with the previous approval in writing of the Additional



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Registrar/Regional Joint Registrar concerned, give appointment on compassionate ground to the dependent of an employee who died while in service and depute him to some other society where there is vacancy subject to such terms and conditions as may be specified by the Regional Additional Registrar/Joint Registrar.”

3)It is also claimed that the instructions issued in this Circular will not at all be applicable for the appointment on compassionate ground normally made by Societies in a routine manner within the approved cadre strength, after fulfilling of all the conditions prescribed such appointment.'

5.For the foregoing reasons, the impugned order dated 08.12.2022 passed by the third respondent is hereby quashed and the matter is remanded back to the second respondent, who is the competent authority to pass final orders, on merits and in accordance with law. The second respondent is directed to pass final orders, on merits and in accordance with law on the petitioner's request for compassionate appointment, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the aforesaid direction, this writ petition stands disposed of.

Consequently, W.M.P. No.33981 of 2022 stands closed. No costs.

05.01.2023

vga

Index: Yes/No

To

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ABDUL QUDDHOSE, J

vga

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