



W.P.No.2061 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2061 of 2017

and

W.M.P.Nos.2044 & 2045 of 2017

K.Jaisankar

...Petitioner

-Vs-

1.Joint Registrar,
Krishnagiri Zonal Cooperative Societies,
Krishnagiri.

2.The Special Officer,
S.5922 Maharajakadai Primary
Agricultural Cooperative Credit Society,
Maharajakadai Post - 635 120,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 1st respondent in Na.Ka.No.1505/2013 Sa.Pa. dated 07.02.2014 and order of the 2nd respondent dated 10.07.2010, quash the same and consequently direct the respondents to provide the job continuity by invoking the provisions contained in the Person with Disabilities (Equal



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Opportunities, Production of Rights and Full Participation) Act, 1955 by considering the petitioner's various representations as well as the stand taken by the petitioner in the petitioner's revision before the 1st respondent.

For Petitioner : Mr.R.Marudhcchalamurthy
For R1 : Mrs.C.Meera Arumugam,
Additional Government Pleader
For R2 : Mr.L.P.Shanmugasundaram

ORDER

Heard Mr.R.Marudhcchalamurthy, learned counsel for the petitioner, Mrs.C.Meera Arumugam, learned Additional Government Pleader for the first respondent and Mr.L.P.Shanmugasundaram, learned counsel for the second respondent.

2. The petitioner herein had joined the second respondent Society on 03.03.1989 as a Fertilizer Salesman. Owing to loss of both his eye sight, he is alleged to have not attended the work from 15.04.2009 onwards and though he was directed to appear before the Medical Board, the Joint Director of the District Medical Welfare Services, through his letter dated 30.04.2010, has



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certified that the petitioner was 100% blind in both the eyes. Consequently, the second respondent herein, through the impugned order dated 10.07.2010, had dismissed the petitioner from his services. In the revision preferred by the petitioner before the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, the order of dismissal was upheld. Challenging these orders, the present writ petition has been filed.

3. Though the petitioner herein had raised grounds in the present writ petition challenging the order of dismissal and the consequential order passed in the revision, the learned counsel for the petitioner submitted that he would restrict his prayer for grant of compassionate appointment to the petitioner's wife or daughter. In this connection, the petitioner relied upon By Law No.7C of the Special By Laws relating to the Service Conditions of the Employees of the Primary Agricultural Cooperative Credit Society.

4. The learned counsel for the second respondent placed reliance on the averments in the counter affidavit and submitted that the petitioner cannot be accommodated with an alternate or light employment in accordance with Section 47 of the Persons with Disabilities (Equal Opportunities, Production



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of Rights and Full Participation) Act, 1955. However, he would state that the

By Laws provide for compassionate appointment to the dependant of an employee of a Society, who has been referred as medically invalidated.

5. By Law 7C of the By Laws holds that the Society may provide appointment to the entry level post, namely Office Assistant, Fertilizer Salesman and Attender, to the dependant of an employee of the Society, who died while in service or medically invalidated, subject to the availability of vacancy and the qualification possessed by the candidate.

6. In view of the limited prayer sought for by the petitioner herein and by taking into account the By Law 7C, which provides compassionate appointment for dependants of an employee of the Society who was medically invalidated, this Court is of the view that the respondents can be directed to grant compassionate appointment to the dependant of the petitioner. In case there are no vacancies in the entry level post under the second respondent Society, the first respondent herein shall pass appropriate orders of appointment on compassionate grounds in favour of the petitioner's wife or daughter and issue posting orders in any other Society where there



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may be a vacancy and thereafter, whenever a vacancy arises in the second respondent Society, they may be re-posted in the parent Society.

7. In the light of the above findings, there shall be a direction to the second respondent herein to pass appropriate orders, granting compassionate appointment to the petitioner's dependant, namely his wife or daughter, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands ordered. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2023

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
hvk

To
1.Joint Registrar,
Krishnagiri Zonal Cooperative Societies,
Krishnagiri.

2.The Special Officer,
S.5922 Maharajakadai Primary
Agricultural Cooperative Credit Society,
Maharajakadai Post - 635 120,
Krishnagiri District.



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M.S.RAMESH,J.

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