



W.P.(MD).No.16121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16121 of 2023
and WMP(MD)Nos.13511, 15863 &17477 of 2023

D.Karthikadevi

... Petitioner

Vs

1. The Joint Registrar,
Joint Registrar of Cooperative Socioety Office,
Theni.
2. The Deputy Registrar,
Deputy Registrar of Cooperative Society Office,
Uthamapalaiyam, Theni District.
3. The President,
D.D.136, Dombuchery Primary Agriculture Cooperative Credit Society,
Bodinayakanur Taluk, Dombuchery , Theni District.
4. The Administrative Officer, *
D.D.136, Dombuchery Primary Agriculture Cooperative Credit Society,
Bodinayakanur Taluk, Dombuchery , Theni District.

**Impleaded as per order of this Court, dated 30.08.2023*

... Respondents



W.P.(MD).No.16121 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide employment to the petitioner under compassionate ground for the post of Clerk or any suitable post in the third respondent society, on the basis of the petitioner's application, dated Nil.

For Petitioner : Mr.A.K.Baskarapandiyan

For Respondents : Mr.D.S.Neduncheziyan (R1, R2)
Government Advocate

Mr.D.Shanmugaraja Sethupathi (R3)

ORDER

The present writ petition has been filed seeking a direction to the respondents to provide employment to the petitioner, under compassionate ground for the post of Clerk or any suitable post in the third respondent society, on the basis of the petitioner's application, dated Nil.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, Mr.A.K.Baskarapandiyam, learned counsel appearing for the petitioner, Mr.D.S.Neduncheziyan, learned Government Advocate appearing for the first and second respondents and Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the third respondent. Perused the materials on record.

4.(i).The petitioner's father viz., K.Duraipandiyam was working as Secretary in the third respondent's Society. While in service, he passed away on 22.05.2016. He was survived by his mother, his wife and three daughters, in which, the petitioner is one of his daughter. In the meanwhile, the deceased employee's mother also passed away.

(ii)On 14.02.2017, the petitioner made an application through the third respondent to the second respondent, seeking appointment on compassionate ground along with all necessary documents.

(iii)The third respondent vide letter, dated 15.07.2020 sought a clarification from the third respondent, in respect of the appointment of the petitioner through compassionate ground. Since the petitioner's application was kept pending without consideration endlessly, this writ petition came to be filed.



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5.The learned counsel for the petitioner inclined to not press the petition in WMP(MD)No.13511 of 2023, by which, he sought an injunction, restraining the third respondent from appointing any person in the post of Clerk in the third respondent's Society. Hence, WMP(MD)No.13511 of 2023 is dismissed as not pressed.

6.Mr. D.Shanmugaraja Sethupathi, learned counsel appearing for the third respondent has filed a petition in WMP(MD)No.15683 of 2023 to implead one Nagalingam as fourth respondent in the writ petition. Since the learned counsel for the petitioner has not pressed the interim injunction sought by him in WMP(MD)No.13511 of 2023, the aforesaid impleading petition in WMP(MD)No.15683 of 2023 is rejected.

7.The learned counsel for the petitioner seeks permission in WMP(MD)No.17477 of 2023, to implead the Administrative Officer, D.D.136, Dombuchery Primary Agriculture Cooperative Credit Society, Bodinayakanur Taluk, Dombuchery , Theni District as fourth respondent in the writ petition. After hearing the learned counsel for the petitioner, the said petition is allowed.



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Before issuing the order copy, Registry is directed to implead the petitioner in WMP(MD) No.17477 of 2023 as the fourth respondent in the writ petition.

8.The learned Government Advocate, appearing for the first and second respondents vehemently opposed the case of the petitioner stating that the petitioner's husband has several immovable properties, including the dwelling house, therefore, penury does not exist in the life of the petitioner and her family. Hence, the question of providing appointment to the petitioner on compassionate ground will not arise and sought this Court to dismiss the petition.

9.The G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 clearly facilitates a married daughter of deceased Government servant is an eligible person to seek employment on compassionate ground and the said G.O also mandated that while assessing the income of the family, the immovable properties like living house of the employee's family need not be taken into account.



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10.Though the learned Government Advocate contended that the petitioner's husband is owning several immovable properties, including nanja and punja lands, this Court is of the considered view that petitioner's husband property will not absolve the rights of the petitioner to seek appointment on compassionate ground.

11.In view of the above, this Court hereby direct the third respondent to consider the petitioner's application, seeking appointment on compassionate ground, within a period of twelve (12) weeks, from the date of receipt of a copy of this order and provide employment to the petitioner under compassionate ground in a suitable post in the third respondent Society.

12.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

30.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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Joint Registrar of Cooperative Socioety Office,
Theni.
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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