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W.P.No.4423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4423 of 2024
and W.M.P.No.4764 of 2024

A.Ramki

... Petitioner

-Vs-

1. The Registrar,
O/o the Co-operative Societies,
No.17, E.V.RA.Periyar Salai,
Kalpak, Chennai – 10.
2. The Joint Registrar,
O/o. The Co-operative Societies,
Krishnagiri, Krishnagiri District.
3. The Deputy Registrar,
O/o. The Co-operative Societies,
Krishnagiri, Krishnagiri District.
4. The President,
The Primary Agricultural Co-operative
Credit Society,
Singarapettai,
Singapettai Post,
Uthangarai Taluk,
Krishnagiri District – 635 307.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in impugned order passed by the second respondent dated 09.04.2019 and quash the same and consequently direct the respondents directing the respondents to consider the petitioner's representation dated 18.01.2018 and pass appropriate orders within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Viswanathan
For R1 to R3 : Mr.A.M.Ayyadurai
Government Advocate
For R4 : M/s P.Rajarajeshwari
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 09.04.2019, thereby rejected the request made by the petitioner seeking appointment on compassionate ground.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's father, while he was working in the fourth respondent Society, died in harness on 25.09.2014. In lieu of the same, the petitioner, being the legal heir, applied for employment on compassionate ground.



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However, there was no response and as such, the petitioner filed a writ petition before this Court in W.P.No.11004 of 2017. This Court, by an order dated 31.08.2017, dismissed the writ petition, on the ground that the second respondent therein is a Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India. Therefore, the writ petition is not maintainable as against the Co-operative Society. It was further observed that it is for the petitioner to work out the remedy by filing an appropriate petition before the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

4. Subsequently, the petitioner submitted a representation seeking appointment on compassionate ground. However, it was not considered and as such, once again the petitioner filed a writ petition before this Court in W.P.No.2149 of 2019. This Court, by an order dated 31.01.2019 directed the second respondent to consider the representation of the petitioner and after giving an opportunity of hearing, dispose of the same, within a period of six weeks from the date of receipt of a copy of the order. As directed by this Court, the second respondent rejected the application submitted by the petitioner seeking appointment on compassionate ground, for the reason that the petitioner's father was not properly appointed in the manner known to law and



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as such, the service was not regularized.

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5. Hence, the petitioner is not entitled for appointment on compassionate ground. That apart, the petitioner's father died on 25.09.2014. After a period of long years, it cannot be said that the petitioners' family is in indigency condition.

6. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent dated 09.04.2019 and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

23.02.2024

Internet : Yes
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

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