



W.P.No.12771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

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

W.P.No. 12771 of 2024

D.Manidevan

.... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Perambalur.

2. The Deputy Registrar of Co-operative Societies,
Perambalur.

3. The President
R-1227, Kalpadi Primary Agricultural
Co-operative Credit Society Limited,
Kalpadi, Perambalur Taluk & District.

4. N.Parisath.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent dated 15.03.2024 made in Na.Ka.No.439/2023/Sa.Pa and to quash the same, consequently directing the respondents 1 to 3 to appoint the petitioner as Writer in the third respondent's Society instead of Salesman.



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For Petitioner : Mr.C.Prabakaran
For R1 & R2 : Mr.M.S.Arasa Kumar
Government Advocate
For R3 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 15.03.2024, thereby rejected the request made by the petitioner to place the petitioner above the fourth respondent in service.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner's father, while he was working as Cashier, died on 21.01.2010, leaving behind the petitioner and others as his legal heirs. Immediately, the petitioner's brother made an application seeking appointment on compassionate ground on 11.09.2011. During pendency of the said application, his brother died on 23.04.2014. Thereafter, on 05.06.2014, the petitioner made an application seeking appointment on



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compassionate ground. However, the third respondent Society replied that there is no vacancy for appointment and whenever vacancy arises, the candidature of the petitioner would be considered on seniority basis. However it was not considered. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.No.27218 of 2021 and the same was dismissed by this Court by an order dated 23.12.2021. Aggrieved by the same, the petitioner preferred a writ appeal before this Court in W.A.No.403 of 2022 and the same was allowed by an order dated 09.02.2022. However, the order passed by this Court was not considered and as such the petitioner filed contempt petition in Cont.P.No.2164 of 2022. Pending contempt petition, the fourth respondent was appointed on compassionate ground on 01.04.2022 as Writer. Thereafter, the petitioner was appointed in the post of Salesman on 24.11.2022. Even after passing the order by the Hon'ble Division Bench of this Court, the respondents failed to appoint the petitioner and appointed the fourth respondent in that post. Therefore, the petitioner made request to place him in the post of Writer in the fourth respondent and claimed seniority.



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4. It is seen that the fourth respondent's mother, while she was working in the post of Writer, died in the year 2005 and immediately, the fourth respondent submitted an application for compassionate appointment on regular basis. The fourth respondent was appointed overlooking the seniority of the petitioner. Whereas, the case of the petitioner is that the petitioner's father died in the year 2010. Immediately, his brother applied for compassionate appointment. However, he also died in the year 2014 and thereafter, the petitioner applied for compassionate appointment. Therefore, it cannot be said that the fourth respondent was priorly appointed in the place of the petitioner. Therefore, request made by the petitioner was rightly rejected and the writ petition lacks merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. No costs.

01.07.2024

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