



WP(MD) No.5056 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.5056 of 2024

and

W.M.P(MD)No.4856 of 2024

M.Jothimani

... Petitioner

Vs.

1.The Registrar of Cooperative Thrift Societies,
1st Floor, Tamilnadu Co-operative Federation,
No.48, Ritherdan Street,
Vepperi,
Chennai - 07.

2.The Deputy Registrar of Co-operative Thrift Societies,
Paramakudi,
Ramanathapuram District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.N2789/2018/Tho.Ve.Koo.Ka.Sa (2) dated 17.10.2023 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to provide compassionate ground appointment to the petitioner.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Senthil Ayyanar

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.N2789/2018/Tho.Ve.Koo.Ka.Sa (2) dated 17.10.2023 on the file of the Respondent No.2 and consequently to direct the Respondents to provide compassionate ground appointment to the petitioner.



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2. Heard Mr.S.Louis, learned counsel for the petitioner and Mr.M.Senthil Ayyanar, learned counsel appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner's father initially appointed as a temporary employee in the post of Salesman in the year 1991. Later, he was regularised in the permanent post vide the resolution No.1, dated 15.10.1995. While in service, he died on 09.01.2023. In view of the same, he is entitled for appointment on compassionate grounds.

4. The learned counsel for the respondents submitted that in the impugned order, the claim of the petitioner has been rejected stating that petitioner's father's service himself cannot be regularised and hence, he does not come under the purview of the scheme.



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5. The learned counsel for the petitioner submitted that in the earlier order passed by this court in W.P.(MD)No.25818 of 2022, it is held that even the temporary persons can also be entitled to the benefit of compassionate appointment.

6. Attention was drawn to the earlier order of this Court held in W.P.(MD)No.25818 of 2022, and further it is submitted that the petitioner's father's service has been regularized. The respondents society itself has passed a resolution on 15.10.1995 to regularize the service of the petitioner and if the petitioner's father was alive, he would have got regularised.

7. In view of the same, the writ petition is **allowed** and the impugned order, dated 17.10.2023 of the second respondent is set aside and the matter is remanded back to the second respondent and the second respondent is directed to reconsider the same and



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pass orders afresh within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

07.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

- 1.The Registrar of Cooperative Thrift Societies,
1st Floor, Tamilnadu Co-operative Federation,
No.48, Ritherdan Street,
Vepperi,
Chennai - 07.
- 2.The Deputy Registrar of Co-operative Thrift Societies,
Paramakudi,
Ramanathapuram District.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.5056 of 2024

Dated:
07.06.2024