



W.P.(MD)No.15225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15225 of 2023
and
W.M.P.(MD).No.12829 of 2023

Kala

... Petitioner

Vs.

- 1.The Registrar,
Office of the Co-operative Societies,
170, E.V.R. Road,
Radhakrishnan Nagar, Razak Garden,
SBI Officers Colony,
Arumpakkam, Chennai-600 106.
- 2.The Additional Registrar,
Office of the Co-operative Societies,
170, E.V.R. Road,
Radhakrishnan Nagar, Razak Garden,
SBI Officers Colony,
Arumpakkam, Chennai-600 106..
- 3.The Joint Registrar,
Office of the Co-operative Societies,
No.1, Meiygnana Street,
Palayamkottai,
Tirunelveli-2.
- 4.The Deputy Registrar,
Office of the Co-operative Societies,
6/60, 6th Cross Street, Perumalpuram,
Tiruneveli-2.



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5.The Managing Director,
The Palayamkottai urban Co-operative Bank Limited,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the third respondent in Na.Ka.No.5182/2022 SaPa dated 06.12.2022 and quash the same and consequently direct the respondents to consider the petitioner's son by name N.Aravind, S/o. R.Natarajan for any suitable post in the respondent's Office on compassionate grounds.

For Petitioner : Mr.K.Guhan

For R-1 & R-2 : No Appearance

For R-3 to R-5 : Mr.S.Kameshwaran,
Government Advocate

ORDER

Heard Mr.K.Guhan, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for respondent Nos.3 to 5.

2. The petitioner's husband viz., R.Natarajan, who was working as Office Assistant, died on 08.03.2015 while he was in service. The petitioner has filed this present petition challenging the proceedings of the third respondent in Na.Ka.No.5182/2022 SaPa, dated 06.12.2022, rejecting her application seeking



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compassionate appointment to her son N.Aravind. The reason for rejection as found in the impugned order is that the services of the petitioner's husband were not regularized and hence, he does not fall within the ambit of the Scheme.

5. The matter in hand is no longer a *res-integra*. This Court has already dealt with a similar issue in *W.P.No.4571 of 2023*, wherein, it is held as follows:

“11. Thus, in view of the above findings and discussions, the petitioner's father is deemed to have been 'regularised' in service under the orders of this Court and since an irregular appointee, who has put in more than 10 years of service is also entitled for the benefit of regularisation of his services, the reason assigned in the impugned order cannot be sustained. Accordingly, the impugned order passed in Na.K. 225/2022/Tho.Ve.Ko.Ka.Sa dated 21.01.2023, is quashed. Consequently, there shall be a direction to the respondents herein to pass appropriate orders on the petitioner's application dated 09.12.2022, granting appointment on compassionate ground, within a period of six weeks from the date of receipt of a copy of this order. The Writ Petition stands allowed.



Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

6. In view of the decision cited supra, the Writ Petition is **allowed** and the impugned order passed by the third respondent in Na.Ka.No.5182/2022 SaPa, dated 06.12.2022, is set aside and the petitioner is at liberty to give fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same and pass appropriate orders on its own merits and in accordance with law within a period of four weeks thereafter. No costs.

10.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Joint Registrar,
Office of the Co-operative Societies,
No.1, Meiygnana Street,
Palayamkottai,
Tirunelveli-2.
- 2.The Deputy Registrar,
Office of the Co-operative Societies,
6/60, 6th Cross Street, Perumalpuram,
Tirunelveli-2.



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3. The Managing Director,
The Palayamkottai urban Co-operative Bank Limited,
Palayamkottai,
Tirunelveli.



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R.N.MANJULA, J.

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