



W.P.(MD)No.29071 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29071 of 2023 &
W.M.P(MD)No.25126 of 2023

M.Sathishnathan

... Petitioner

VS.

1.The Regional Joint Registrar of Co-operative Societies,
District Collectorate Campus, Ramanathapuram Region,
Ramanathapuram District.

2.The Deputy Registrar of Co-operative Societies,
O/o.Deputy Registrar of Co-operative Societies,
Paramakudi, Ramanathapuram District.

3.Q.1235 Pandikanmai Primary Agricultural
Co-operative Credit Society,
Rep. by its President, Pandikanmai,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 13.07.2023 passed by the second respondent in Na.Ka.1451/2023/NuThi and quash the same as illegal and consequently, direct the respondents to provide appointment to the petitioner on compassionate grounds for the post of salesmen.



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For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mr.K.Selva Ganesh
Additional Government Pleader
for R1 and R2

ORDER

Heard Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner and Mr.K.Selva Ganesh, learned Additional Government Pleader appearing for the respondents 1 and 2.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 13.07.2023 passed by the second respondent in Na.Ka.1451/2023/NuThi, quash the same and consequently, direct the respondents to provide appointment to the petitioner on compassionate grounds for the post of Salesman.

3. The petitioner's father who worked as a Salesman in the third respondent Society died on 21.10.2020 while in service. Subsequently, the petitioner has made an application to the third respondent on



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03.04.2023 seeking compassionate appointment. However, the same was rejected by the second respondent on 13.07.2023 stating that the petitioner's father's service has not been regularized and hence he is not covered under the compassionate appointment scheme.

4. Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner submitted that the Eligibility of Appointment mentioned in the appended Notification of the Government Order in G.O.Ms.No.33, Labour Welfare and Skill Development (A1) Department, dated 08.03.2023 has not been properly followed by the second respondent. The relevant portion of the same is extracted hereunder.

"3.Eligibility of Appointment.-

(1) to (3) ...

(4) For removal of doubts, it is hereby clarified that.-

(a) employment of casual, adhoc or contracts basis, on daily wages or consolidated pay, of any member of the family of a deceased or medically invalidated Government servant, is not a bar for the family to apply for appointment under these rules;"



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5. In the light of the above Government Order, the service of a deceased Government employee being not regularized is not a bar for the family members to apply for compassionate appointment. Since, the impugned order has been passed in violation of the said Government Order, it is liable to be set aside.

6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the second respondent in Na.Ka. 1451/2023/NuThi dated 13.07.2023 is set aside and the second respondent is directed to re-consider the application made by the petitioner for compassionate appointment in a holistic manner and pass orders afresh in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

10.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Regional Joint Registrar of Co-operative Societies,
District Collectorate Campus,
Ramanathapuram Region,
Ramanathapuram District.
- 2.The Deputy Registrar of Co-operative Societies,
O/o.Deputy Registrar of Co-operative Societies,
Paramakudi, Ramanathapuram District.



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R.N.MANJULA, J.

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