



W.P.(MD)No.31255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.31255 of 2023

Gopi

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Pudukkottai District.

2.The Secretary,
M.M.576, Mandampatty Primary Agriculture
Co-operative Credit Society,
Mandampatty,
Vilapatty Post,
Illuppur Taluk,
Pudukkottai 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 in Na.Ka/69/2022 dated 19.07.2022 passed by the first respondent and quash the same as illegal and arbitrary and thereby direct the respondents to provide appointment to the petitioner on compassionate grounds.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.K.Selva Ganesh
Additional Government Pleader



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ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.K.Selva Ganesh, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records in Na.Ka/69/2022 dated 19.07.2022 on the file of the first respondent, quash the same and consequently direct the respondents to provide appointment to him on compassionate grounds

3. The petitioner's father who worked as a Salesman in the second respondent Society died on 29.12.2020 while in service. Subsequently, the petitioner has made an application to the second respondent in the year 2021 seeking compassionate appointment. However, the same was rejected by the first respondent on 19.07.2022 stating that the petitioner's father's service has not been regularized and hence he is not covered under the compassionate appointment scheme.



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4. Mr.P.Ganapathi Subramanian, 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 first 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;"

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.



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6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the first respondent in Na.Ka/69/2022 dated 19.07.2022 is set aside and the first respondent is directed to re-consider the application made by the petitioner for compassionate appointment in a wholistic manner and pass orders afresh in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

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

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To

- 1.The Deputy Registrar of Co-operative Societies,
Pudukkottai District.
- 2.The Secretary,
M.M.576, Mandampatty Primary Agriculture
Co-operative Credit Society,
Mandampatty,
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R.N.MANJULA, J.

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