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W.P.No.5087 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.12.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.5087 of 2024**

S.Manimegala  
W/o.Late D.Palani

... Petitioner

Vs.

1. The Joint Registrar of Co-op Societies,  
Krishnagiri – 635 001.

2. The Deputy Registrar of Co-op Societies,  
Hosur – Krishnagiri District.

3. The President,  
S.836, Royakottai Primary Agricultural Co-op Society,  
Royakottai, Devikankottai Taluk,  
Krishnagiri District.

....Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his Na.Ka.No.332/22/Tho.Va. dated 08.12.2022, quash the same in so far as it relates to the rejection of the claim of the petitioner for compassionate appointment consequent on the death of her husband Thiru D.Palani on 24.06.2021 due to COVID-19 while he was in service as Salesman in 3<sup>rd</sup> respondent society and consequently, direct the respondents herein to



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provide appointment on compassionate grounds to the petitioner according to her educational qualification within a stipulated time fixed by this Court.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.K.Tamilvendan  
Government Advocate [R1 & R2]

### **ORDER**

This Writ Petition has been filed challenging the rejection of the claim of the petitioner for compassionate appointment consequent to the death of her husband, namely, D.Palani, on 24.06.2021 due to COVID-19 while he was in service as Salesman in the third respondent society vide impugned order dated 08.12.2022, passed by the 2<sup>nd</sup> respondent in Na.Ka.No.332/22/Tho.Va and for a consequential direction to the respondents herein to provide appointment on compassionate grounds to the petitioner according to her educational qualification within a stipulated time fixed by this Court.

2. The petitioner's husband, namely, D.Palani joined service on 07.09.1999 as Salesman (PDS) in the Fair Price Shop run by the third respondent Society and he died on 24.06.2021 due to corona virus while he



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was in service and he has rendered 22 years of service. Since the petitioner had passed 10<sup>th</sup> standard and has sufficient qualification, she has submitted an application dated 26.04.2022 to the third respondent to give appointment on compassionate ground and also made another representation to the respondents to disburse a sum of Rs.25,00,000/- from the Chief Minister's Relief Fund. However, the second respondent, vide impugned proceedings dated 08.12.2022, passed an order that since the appointment of the petitioner's husband was irregular, the petitioner was not eligible for compassionate ground appointment and with regard to disbursement of Rs.25 lakhs from the Chief Minister's Relief Fund, clarification has been sought for from the first respondent. Challenging the same, this Writ Petition has been filed.

3. The learned Government Advocate appearing for the respondents 1 and 2 submits that the Registrar of Cooperative Societies, Kilpauk, Chennai, issued instructions in Circular No.7/2021 (Rc.No.103607/2007/SF 2) dated 09.09.2021 among others fixing seniority, giving promotion and compassionate ground appointment. In paragraph No.9 of the said Circular dated 09.09.2021, it was stated as below:-



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*“9. With regard to giving compassionate ground appointment to the legal heir of a such employees whose services are not regularized, Cooperative Societies have to strictly follow the rules in-force as applicable to compassionate ground appointment in Government service. As per the Government Orders issued in G.O.(Ms).No.18, Labour and Employment (Q1) Department dated 23.01.2020 persons those who are under temporary appointments, consolidated pay, daily wages contract appointments and whose services are not regularized are not eligible for consideration under compassionate ground appointment. Therefore, in order to give compassionate ground appointment to legal heir of employees of Cooperative Societies whose services are not regularized, exemption from the above said G.O. to the extent necessary has to be obtained from the Government. Necessary instructions in this regard will be issued after getting necessary exemption from the Government, which may take some more time”.*

4. The claim of the petitioner to provide compassionate appointment due to the death of her husband was rejected by the respondents on the ground that her husband was appointed irregularly as Salesman in the third respondent Society and his service was not regularized. However, the fact



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remains that an irregular employee, who has put in more than 10 years of service, is also entitled for the benefit of regularization of his/her services. In

the present case, the petitioner's husband rendered 22 years of service and died while in service. If the appointment of the petitioner's husband was irregular, the respondents should have initiated proceedings against the illegal appointment, however, no proceedings were initiated against him.

Hence, the order passed by the second respondent on the ground that the service of the petitioner's husband was not regularized, is not justifiable one.

Therefore, the impugned order passed by the second respondent dated 08.12.2022 is set aside. The respondents are directed to consider the claim of the petitioner afresh and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

**04.12.2025**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb



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To

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**M.DHANDAPANI, J.**

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