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W.P.No.29659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.29659 of 2023

a n d

W.M.P.Nos.13952 and 43055 of 2024

Amsaveni

W/o. Late Sakthivel

No.1/233 Thadagam Main Road

(Uchaiynoor Road)

Thadagam Post, Chinna Thadagam

Thadagam

Coimbatore 641 108.

...

Petitioner

Vs

1. The Registrar of Co-operative Societies
EVR Maaligai, Kilpauk
Chennai 600 010.
2. The Joint Registrar of Co-operative Societies
Coimbatore Region
Coimbatore District.
3. The Deputy Registrar of Co-operative Societies
Coimbatore Circle
Coimbatore District.



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4. The Managing Director
No.K – 1948 Coimbatore Agricultural Producers
Co-op Marketing Society Ltd
Telungupalayam Pirivu
Siruvani Main Road
Telungupalayam
Coimbatore 641 039.

5. The Special Officer
Sanganur Consumers Co-operative Stores Ltd
C.C.No.2220
Corporation Commercial Complex
Tatabad
Coimbatore 641 012.

6. The Secretary to Government
Department of Food, Co-operation and
Consumer Protection
Fort St. George
Secretariat
Chennai 600 009

... Respondents

(R.6 – impleaded as per order dated 23/10/2024
in W.M.P.No.31039 of 2024 in W.P.No.29659/2023
by NAVJ)

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents 2
to 4 to consider the representations dated 27/8/2021 and 28/7/2022 and give
appointment of compassionate ground commensurate to my educational
qualification at fourth respondent's Society as my husband service was



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deemed to be rendered in A.Sivakumar Vs. The Secretary to Government, Food, Co-op & Consumer Protection Department, Chennai & Others reported in CDJ 2021 MHC 425 which has been followed in judgment dated 8/6/2023 passed in W.P.No.4571 of 2023.

For petitioner	...	Mr.S.Pushpakaran
For respondents	...	Mrs.M.Geetha Thamarai Selvan Special Government Pleader for R.R.1 to 3 and 6
		Mrs.Amirtha Poonkodi Dinakaran for R.R.4 and 5.

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ORDER

This writ petition has been filed to direct the respondents 2 to 4 to consider the petitioner's representations dated 27/8/2021 and 28/7/2022, seeking for compassionate appointment, in view of the demise of her husband, who was working in fourth respondent's Society.

2. Brief facts in a nutshell are as follows:-

The petitioner's husband was appointed as Packer on daily wages in



the fifth respondent Co-operative Society on 16/4/1999. Similarly placed persons who were working beyond 480 days in various Societies, demanded

regularisation of service and fixation of time scale equivalent to regular employees. Considering their demand, Government has passed G.O.Ms.No.86, dated 12/3/2001 and Government Letter No.22302 CC/2005 – 7, dated 2/11/2006 and first respondent's Letter No.Na.Ka.152654/2002 Sa.Pa.3, dated 13/11/2006, for regularisation and fixation of time scale of pay. After the fifth respondent Society has passed a Resolution dated 2/12/2006 and after getting instructions from the respondents 1 to 3, fifth respondent has passed an order on 4/5/2010, thereby time scale of pay has been fixed to the petitioner's husband.

3. The petitioner's husband was working in the fifth respondent Society till 31/8/2016. Thereafter, many Fair Price Shops came under the control of fourth respondent's Society. While serving in the fourth respondent's Society, petitioner's husband died on 4/4/2021, due to kidney problem and cardiac arrest, leaving behind the petitioner, her daughter and his mother as his legal heirs. Thereafter, the petitioner had approached the



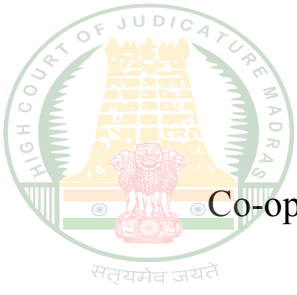
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fourth respondent and third respondent and submitted applications dated 27/8/2021 and 28/7/2022, respectively, seeking compassionate appointment.

Since there was no response, the petitioner had approached this Court by way of a writ petition, praying for the relief as stated therein.

4. The Joint Registrar of Cooperative Societies, Coimbatore Region, Coimbatore, has filed a counter affidavit, wherein it is stated that the petitioner's husband R.Sakthivel was engaged on daily wages basis at Rs.30/- per day as Packer. At the time of entering into service, educational qualification of the petitioner was X Standard fail. As per the Special Bylaw, qualification prescribed for the post of Packer was X Standard.

5. It is further stated in the counter affidavit that while working as Packer in K 1948 Coimbatore Agricultural Producers Cooperative Marketing Society, petitioner's husband late R.Sakthivel, died on 4/4/2021. The petitioner had submitted a representation dated 27/8/2021 to the fourth respondent and fourth respondent, sent the representation submitted by the petitioner to the third respondent. Relying on G.O.No.18 dated 23/1/2020 and para 9 of the Circular No.7 of 2021 dated 9/9/2021 of the Registrar of



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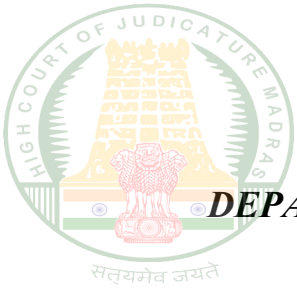
Co-op Societies, Chennai, rejected the representation of the petitioner on

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the ground that compassionate ground appointment cannot be provided to irregularly appointed petitioner's husband.

6. Heard Mr.S.Pushpakaran, learned counsel for the petitioner, Mrs.M.Geetha Thamarai Selvan, learned Special Government Pleader for the respondents 1 to 3 and 6 and Mrs.Amirtha Poonkodi Dinakaran, learned counsel for the respondents 4 and 5.

7. The learned counsel appearing for the petitioner would submit that though the husband of the petitioner has been working in the sanctioned post of Packer and time scale of pay has been fixed, no order for regularisation of service has been issued till his death. The petitioner's husband has put in 22 years of service and hence, he is entitled for the benefit of regularisation of his service. The said issue has been reiterated by this Court, in W.P.No.4571 of 2023, dated 8/6/2023, referring to the findings and discussions made in ***A.SIVAKUMAR Vs. THE SECRETARY TO GOVERNMENT, FOOD, CO-OP & CONSUMER PROTECTION***



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DEPARTMENT, CHENNAI & OTHERS reported in CDJ 2021 MHC 425.

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8. The learned Special Government Pleader appearing for the respondents 1 to 3 and 6 would submit that compassionate ground appointment to the legal heir of employee of Co-op Societies, whose services are not regularised, seeking exemption from G.O.Ms.No.18 Labour and Employment (Q1) Department dated 23/1/2020 to the extent is necessary. As soon as the exemption was obtained from Government, case of the petitioner will be considered for providing appointment of compassionate ground.

9. Perused the materials available on record.

10. Proposal of the fourth respondent along with report of the Field Officer, Thondamuthur was carefully examined by the third respondent. The Registrar of Co-operative Societies, Kilpauk, Chennai 600 010 had issued instructions in Circular No.7/2021 (Rc.No.103607/2007/SF 2) dated 9/9/2021 among others fixing seniority, giving promotion and compassionate ground appointment. In paragraph 9 of the Circular dated

7/10



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9/9/2021, it was specified as follows:-

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“With regard to giving compassionate ground appointment to the legal heir of such employees whose services are not regularised, 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 (Q 1) Department dated 23/1/2020 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



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be issued after getting necessary exemption from the Government, which may take some more time.”

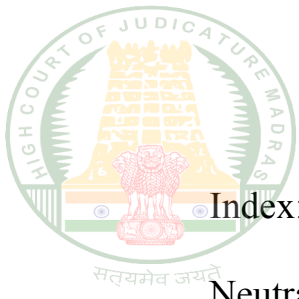
11. A bare reading of the above paragraph, it is clear that necessary instruction has to be obtained from the Government, in order to give compassionate ground appointment to legal heir of employees of Cooperative Societies, whose services are not regularised. Moreover, the petitioner's husband was appointed on daily wages, on 15/4/1999 and died on 4/4/2021, while he was in service before his service has been regularised. When that being the case, petitioner's claim that she should be appointed based on the said G.O., is not accepted. In such a view of the matter, this Court is of the considered view that the instant writ petition deserves dismissal.

12. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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mvs.

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Index: Yes/No

Neutral Citation: Yes/No

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