



W.A(MD)No.2023 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.2023 of 2025
and
C.M.P(MD)No.11634 of 2025**

1.The Joint Registrar of
Co-operative Societies,
Madurai Region,
Thallakulam,
Madurai.

2.The Deputy Registrar of
Co-operative Societies,
Usilampatti Zone,
Usilampatti,
Having Office at Thirumangalam,
Madurai District.

... Appellants/Respondents 1 & 2

vs.

1.Kaviya

... 1st Respondent/Writ Petitioner



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2.M.T.Spl. 115, Periyapoolankulam,
Chinna Poolampatti,
Primary Agriculture Co-operative Credit Society,
Represented by its Secretary,
Periya Poolampatti, Peraiyur Taluk,
Madurai District. ... 2nd Respondent/3rd
Respondent

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.06.2024 made in W.P(MD)No.12700 of 2023 on the file of this Court.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader

For R – 1 : Mr.K.K.Balaram

For R – 2 : Not ready in notice

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The intra-court appeal on hand has been instituted to assail the writ order dated 21.06.2024 passed in WP(MD)No.12700 of 2023.



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2.The Joint Registrar of Co-operative Societies along with the Deputy Registrar of Co-operative Societies have filed the present Writ Appeal.

3.The first respondent herein filed a Writ Petition seeking compassionate appointment in the second respondent/Co-operative Society, registered under the Tamil Nadu Co-operative Societies Act, 1983.

4.The facts in a nutshell are that the father of the first respondent/late.Chandran was holding the post of Clerk in the second respondent Co-operative Society and died on 10.04.2014, while in service. The first respondent filed an application seeking appointment on compassionate grounds. The said application was forwarded to the Joint Registrar for consideration.



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5.The learned Special Government Pleader appearing for the appellants brought to the notice of this Court that the application submitted by the first respondent was rejected by the Joint Registrar of Co-operative Societies, Usilampatti Circle at Thirumangalam vide order dated 12.06.2017, on the ground that the services of the deceased employee/Mr.Chandran, were not regularized, nor he was brought under the regular establishment in the second respondent/Cooperative Society. The said rejection order remains unchallenged. Subsequently, the first respondent filed an application under the Right to Information Act and a reply was given by the Deputy Register of Co-operative Societies vide letter dated 10.03.2020 stating the same reason that the services of the deceased employee's services were not regularized and hence, the first respondent is not eligible for compassionate appointment. However, a Writ of Mandamus has been instituted seeking a direction to appoint the first respondent as a Clerk based on the recommendation of the Deputy Registrar of Co-operative Societies, dated 17.05.2017.



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6.A perusal of the said letter dated 17.05.2017 reveals that the Deputy Registrar had only forwarded the application. However, the fact remains that the Joint Registrar subsequently rejected the application vide proceedings dated 12.06.2017. The said rejection order was not challenged. The subsequent information provided under the Right to Information Act also confirms the order passed by the Joint Registrar in proceedings dated 12.06.2017. Therefore, the relief as such sought for in the Writ Petition ought not to have been granted.

7.That apart, compassionate appointment is a special scheme. A Co-operative Society is not a 'State' within the meaning of Article 12 of the Constitution of India. The service conditions are governed by the bylaws of the society, as approved by the Registrar of Co-operative Societies. The service conditions as approved by the Registrar would be applicable to the Co-operative Societies concerned, which is an independent entity registered under the Tamil Nadu Co-operative Societies Act. In the absence of any scheme for compassionate appointment, the Society may not be in a position



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to consider the case for compassionate appointment. However, it is within the discretion of the management of the Society to provide appointment on compassionate grounds in deserving cases, with the approval of the Registrar of Co-operative Societies. It is made clear that compassionate appointment cannot be claimed as a matter of right. It is a concession. The very purpose and object is to mitigate the circumstances arising on account of the sudden death of an employee. Therefore, the penurious circumstances prevailing in the family of the deceased employee is to be taken into consideration, The sources of income and the necessity to provide employment must all be assessed by the competent authority. Since the scheme for compassionate appointment is a concession and not a right, it is to be regulated strictly in accordance with the principles established by constitutional Courts.

8.The writ Court proceeded on the basis of the provisions of the Industrial Disputes Act, 1947. However, the said Act has no application with respect to the scheme of compassionate appointment in a Co-operative



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Society. The Special Act, namely the Tamil Nadu Co-operative Societies Act, 1983, would be applicable to the Co-operative Societies. The Special Act will prevail over the general law. The legal position has been well settled by the Division Bench of this Court in the case of ***L.Justine and another Vs. the Registrar of Co-operative Societies, Chennai – 10 and 2 others [(2002) 4 CTC 385]***. It is reiterated by the larger bench of this Court in the case of ***Marappan Vs. Deputy Registrar of Co-operative Societies [2004 (4) CTC 389]***.

9.In the present case, the second respondent is a Co-operative Society. The father of the first respondent served as an employee, but his services were not even regularized. Therefore, the Industrial Disputes Act, 1947 have no application, since the provisions of the Tamil Nadu Co-operative Societies Act, 1983 would apply.



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10.For all these reasons, this Court is inclined to interfere with the writ order. Accordingly, the writ order dated 21.06.2024 passed in W.P(MD)No.12700 of 2023 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [G.A.M.,J.]
13.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.A(MD)No.2023 of 2025

DATED : 13.08.2025

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