



W.A.(MD)No.91 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.91 of 2025 and
C.M.P.(MD)No.605 of 2025**

- 1.The Registrar,
Office of the Co-operative Societies,
170, E.V.R.Road,
Radhakrishnan Nagar, Razak Garden,
SBI Officers Colony,
Arumpakkam, Chennai-600 106.
- 2.The Additional Registrar,
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- 3.The Joint Registrar,
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No.1, Meiygnana Street,
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- 4.The Deputy Registrar,
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6/60, 6th Cross Street,
Perumalpuram, Tirunelveli-2.
- 5.The Managing Director,



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The Palayamkottai Urban Co-operative
Bank Limited,
Palayamkottai, Tirunelveli.

... Appellants

Vs.

Kala

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.15225 of 2023, dated 10.06.2024.

For Appellants :M/s.D.Farjana Ghoushia
Special Government Pleader

For Respondent :Mr.K.Guhan

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed against the order dated 10.06.2024 passed in W.P.(MD)No.15225 of 2023. The writ petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the order dated 06.12.2022 passed by the third respondent in Na.Ka.No.5182/2022 Sa.Pa. and consequently to direct the respondents to consider the petitioner's son namely N.Aravind for any suitable post in the respondent's office on compassionate grounds.

2.(i) The brief facts as stated in the writ petition are as follows: The writ



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petitioner's husband, R.Natarajan, joined the 5th respondent Cooperative Bank in the year 1998 and was brought under the time scale of pay with effect from 15.03.2001, vide order dated 25.03.2001. While serving as an Office Assistant on duty, he unfortunately died on 08.03.2015 due to heart attack, leaving behind the writ petitioner, three children, and the petitioner's mother-in-law as his legal heirs. Since the writ petitioner's husband was the sole breadwinner of the family, his demise pushed the family into severe financial distress.

2.(ii) On 09.05.2015, the writ petitioner submitted an application seeking compassionate appointment for her son, N.Aravind, enclosing "No Objection Certificates" from the other legal heirs and based on his Higher Secondary (+2) qualification. Despite repeated approaches and representations, the respondent Bank did not respond. Thereafter, eventually the 5th respondent bank had appointed the writ petitioner's son in the year 2019.

2.(iii). It is relevant to note that though the writ petitioner's husband died in the year 2015, the writ petitioner's son was appointed only in the year 2019 and was subsequently approved in the month of June, 2019, with a salary Rs.8,500/- effective from December, 2019. However, in March 2021, the 5th respondent



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bank, without issuing any notice or conducting any proper enquiry, has orally informed the petitioner's son that his services were no longer necessary and instructed him not to report for duty. The 5th respondent has not passed any formal order of termination with regard to the employment till date.

2(iv) The Registrar of Cooperative Societies issued Circular No.7 of 2021, dated 09.09.2021, prescribing the procedure for appointment on compassionate grounds. Under Clause 7C of the Circular, the Society may provide appointment to an entry-level post such as Office Assistant, Fertilizer Salesman or Attender to the dependant of an employee of the Society, who died in service or was medically invalidated, subject to the availability of vacancies and the requisite qualification possessed by the candidate. Provided that a person seeking appointment on compassionate grounds shall possess the qualification prescribed for the posts in the Special Bylaws. It also provides that in the case of compassionate appointment, a person who does not possess Cooperative Training may be appointed to an entry- level post for which such Training is required as one of the qualifications, subject to the condition that he shall acquire the Cooperative Training at his own cost within a period of two years from the date of his appointment. Failure to do so would result in his ineligibility to continue in



the said post, and he shall thereafter be absorbed in any other equivalent or lower category post for which Cooperative Training is not required. Here the 5th Respondent, without taking into consideration the binding provisions of Circular No.7 of 2021 dated 09.09.2021 issued by the 1st respondent, has orally informed the writ petitioner's son that his services are no longer required and directed him not to attend duty which is arbitrary and contrary to the Circular and the principles of law.

2.(v) The respondents had orally informed the writ petitioner's son to join in the 5th respondent bank. Pursuant to the said oral instruction, the writ petitioner's son joined the 5th respondent Bank as a Data Entry Operator. However, the 5th respondent Bank, without following the due procedure of law or issuing any formal order, subsequently informed him orally that his services were no longer required and directed him not to report for duty. Thereafter, the writ petitioner sent representations to the respondents on 31.07.2021 and 18.09.2021 in this regard. However, there was no response from the respondents.

2.(vi) Hence, the writ petitioner filed W.P.(MD)No.615 of 2022 seeking issuance of a Writ of Mandamus to direct the respondents to appoint the



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petitioner's son to any suitable post in the respondents' office on compassionate grounds. Pursuant to the said direction, the writ petitioner submitted a revision petition before the 3rd respondent along with all relevant particulars and supporting documents. However, the 3rd respondent, without properly considering the petitioner's case in the light of Circular No.7 of 2021 dated 09.09.2021, mechanically rejected the claim and passed the impugned order. Aggrieved by the said order, the writ petition came to be filed. The Writ Court, by following the order passed in W.P.No.4571 of 2023 had quashed the order dated 06.12.2022 passed by the 3rd respondent therein in Na.Ka.No.5182/2022 SaPa and granted liberty to the writ petitioner to submit a fresh representation to the respondents within a period of two weeks. The Court further directed that, upon receipt of the same, the respondents shall consider the same and pass appropriate orders on its own merits and in accordance with law within a period of four weeks thereafter.

3. Aggrieved over the same, the respondents in the writ petition have filed the present writ appeal.

4. Heard M/s.D.Farjana Ghoushia, Learned Special Government Pleader



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appearing for the appellants, Mr.K.Guhan, Learned Counsel appearing for the respondent and perused the records.

5. The contention of the appellant is that the compassionate appointment can be granted only in accordance with the applicable rules and regulations. Such appointments are permissible only in respect of regular employees. In the present case, the writ petitioner's husband was employed as temporary employee and his service were not regularised at all. Therefore, upon the death of a temporary employee, the legal heirs are not entitled to compassionate appointment. This Court is of the considered opinion that it is a well-settled proposition of law that the family of a deceased temporary employee cannot claim compassionate appointment as a matter of right.

6. However, in so far as cooperative society employment is concerned, the issue requires to be considered on a separate footing. Since the cooperative society employees were appointed without following the regular recruitment procedure, especially without sponsoring of candidates through the Employment Exchange, the Government decided to grant regularisation to such employees as a one-time measure. Though steps were initiated for regularisation, only a section of



employees were granted such benefit, while others, unfortunately, could not be regularised due to various reasons. The said issue was dealt with by a learned Single Judge, in W.P.Nos.21440 of 2015 and batch, wherein the Hon'ble Court has held as under:

“16. This is an unfortunate case where luck has played its part. The Government took a decision to regularize the services of nearly 35,000 employees who were appointed in various Co-operative Societies by drawing a cut-off dated as 12.03.2001 and out of the same, the lucky 26,000 employees got their services regularized and the rest of the employees were facing the wrath of their destiny. They were eagerly expecting their services to be regularized like that of the similarly placed employees but bad luck came in their. The process of regularization was undertaken even for the petitioners and due to various administrative delays, it did not reach its logical end. By then there were huge shift in law with regard to illegal and irregular appointments.

17. In view of the above discussion, all the Writ Petitions are disposed of with the following directions:

a. All those Petitioners/Respondent Employee, as the case may be who have at the time of their appointment, fulfilled their educational qualification, who have been appointed in a sanctioned post within the cadre strength, and are in regular scale of pay, are declared to have satisfied the substantial/mandatory qualification prescribed under Rule 149(1) of the Rules;



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- b. The appointments not being sponsored by the employment exchange, as prescribed under Rule 149(2) of the Rules, will only make the appointments irregular and not illegal;
 - c. All those Petitioners/Respondent Employee, as the case may be who have fulfilled the criteria stipulated in Clause (a), shall be regularised by the Respondents by issuing appropriate proceedings within a period of 8 weeks from the date of receipt of copy of this Order by taking the cut-off date as 12.03.2001;
 - d. The regularization of service of the Petitioners/Respondent Employee, as the case may be will not entail them with any additional monetary benefits except the consequential benefits which flows from such regularization; and
 - e. The benefit of regularization that is extended to the eligible Petitioners/Respondent Employee, as the case may be shall also be extended to all those employees who are similarly placed even though they have not knocked the doors of this Court.
- Accordingly, the batch of writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed.”

7. The Learned Single Judge has directed that regularization shall be granted to those persons who are covered under the Justin’s case. Pursuant to the said directions, the Government has also issued Circular No.7 dated 09.09.2021. When the government has taken a policy decision in this regard, then the



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petitioner's husband is also entitled to be considered for regularization in the light of the order passed in W.P.Nos.21440 of 2015 and batch, as well as the aforesaid Circular.

8. If the said judgment and Circular are applicable to the petitioner's case, then the petitioner's husband would be entitled to regularisation and, consequently, the petitioner would be entitled to consideration for compassionate appointment.

9. Having held so, a positive direction to grant compassionate appointment cannot be issued straightaway to the petitioner. The service records of the petitioner's husband's service ought to be examined in the light of Circular No.7 dated 09.09.2021, read with the judgment rendered in W.P.Nos.21440 of 2015 and batch, to determine his eligibility for regularisation. Only upon such regularisation being granted, the claim for compassionate appointment can be considered in accordance with law.

10. Since the writ Court had issued direction to consider for compassionate appointment without addressing the issue of regularisation in respect of



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petitioner's husband, the said order is liable to be set aside. Accordingly, this writ appeal is partly allowed and the impugned order is set aside. Consequently, the appellants are directed to consider the petitioner's case in the light of judgment rendered in W.P.Nos.21440 of 2015 and batch read with Circular No.7 dated 09.09.2021, and pass appropriate orders on the aspect of regularisation. Once such regularisation is granted, the petitioner shall be entitled to be considered for compassionate appointment. Since the petitioner has applied for compassionate ground appointment within the limitation period, the respondents shall not reject the application for compassionate appointment on the ground of delay.

11. With the above said observations, the writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]

08.04.2025

Index : Yes / No

Tmg/nvsri

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