

W.P.(MD)No.27831 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.27831 of 2024

and

WMP (MD) Nos.23618 and 23619 of 2024

B.Kavya

: Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Office of the Registrar of Cooperative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar E.V.R.Road,
Arumbakkam,
Chennai - 600 106.

2. The Chairman / Joint Registrar
of Cooperative Societies,
District Recruitment Bureau,
39b, T.R.Naidu Street,
Tuticorin - 628 002.

3. The Deputy Registrar of Cooperative Societies,
Office of the Deputy
Registrar of Cooperative Societies,
Thiruchendur,
Tuticorin District.



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4. The Sub Registrar of Cooperative Societies / Field Officer,
Udangudi,
Thiruchendur Taluk,
Tuticorin District.

5. The President,
E.E.423, Udangudi Primary Agricultural
Cooperative Credit Society,
No.29, Sathyamoorthy Bazar,
Udangudi,
Tuticorin District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No. Na.Ka. 167/2022Sapa(1) dated 19.05.2023 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to provide suitable job to the petitioner on compassionate ground.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed challenging the order dated 19.05.2023, passed by the third respondent, rejecting the petitioner's representation and consequently seeking a direction to the respondents to provide suitable employment to the petitioner on compassionate grounds



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2.The learned counsel for the petitioner submitted that the petitioner's father was employed as a Salesman in the fifth respondent Cooperative Society and due to illness, the petitioner's father passed away leaving behind the petitioner, her sister and mother. Subsequently, the petitioner's mother submitted a representation for compassionate appointment to the third respondent, which was rejected on the ground that the petitioner's father was not a regularized employee. Having no other alternative, the petitioner has been constrained to file the present writ petition.

3. The learned counsel for the petitioner also relied upon the order of this Court dated 06.06.2024 [***K.Prema v. The Registrar of Cooperative Societies***], wherein this Court held as follows:

“4. In the instant case also, the petitioner claims that his father was appointed in the year 1995 and he died during the year 2007 after having put 13 years of service and hence, Rule of Fiction can be applied and it can be presumed that the petitioner’s father would have been regularized.

5. Taking into account of the long services of the petitioner's father and by applying the Rule of



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Fiction, I feel that the fourth respondent be given suitable direction to reconsider the petitioner's application.

6. In view of the above stated reasons and also in the light of the judgment held in ***S.Gandhimathi's*** case(cited supra), the impugned orders passed by the fourth respondent dated 24.08.2021 and 30.03.2022, are set aside and the fourth respondent is directed to reconsider the application of the petitioner and pass orders afresh within a period of six weeks from the date of receipt of a copy of this order.”

4. In response to the aforesaid submission, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner's father had not been regularized in his service and hence, does not fall within the zone of consideration under G.O.(Ms.) No.18, Labour and Employment Department, dated 23.01.2020. Further, the learned Additional Government Pleader fairly submitted that the matter may be remanded back to the respondents for reconsideration and that the respondents will pass a fresh order within a specified time frame.



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5. Heard the learned counsel for the parties and perused the materials available on record.

6. Upon considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader and taking into consideration of the order of this Court dated 06.06.2024, this Court finds it appropriate to set aside the impugned proceedings. Accordingly, the impugned proceeding dated 19.05.2023, is hereby set aside and the matter is remitted back to the third respondent. The third respondent is directed to consider the case of the petitioner and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order.

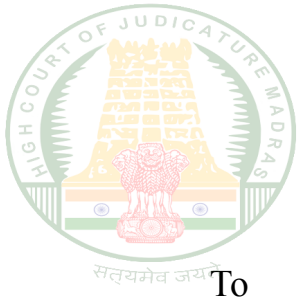
7. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

18.07.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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