



W.A(MD)No.1198 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1198 of 2025
and
C.M.P(MD)No.7471 of 2025**

1.The Joint Registrar of
Co-operative Societies,
Dindigul Region,
District Collector Office,
Dindigul District.

2.The Secretary,
No.2592, Mangalapatty,
Primary Agricultural Co-operative
Credit Society,
Managalapatty,
Natham Taluk,
Dindigul District.

... Appellants /
Respondents

Vs.

C.Tamilarasan

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 08.08.2023 made in W.P(MD)No.16364 of 2023 on the file of this Court and allow the Writ Appeal.



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For Appellants : Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.S.Kumar

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The department assails the order dated 08.08.2023 passed by the learned single Judge allowing W.P(MD)No.16364 of 2023 filed by the respondent herein (herein after referred to as the writ petitioner). The writ petitioner's father Silamban was appointed as attender in the second appellant Society on 19.02.1988. He was subsequently promoted as clerk on 01.07.1998. He passed away on 17.06.2021.

2.It appears that the writ petitioner's father was not sponsored by the employment exchange and was appointed directly by the Board. Even though the writ petitioner's father served the Society for 33 long years, his services were never regularised. Following his father's demise, the writ petitioner approached the management seeking appointment on compassionate ground. However, citing the fact that the writ petitioner's father was not a regular employee, the Joint Registrar of Co-operative Society, Dindigul region rejected his request vide order dated 13.09.2022. Questioning the same, the aforesaid



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writ petition came to be filed. The learned single Judge allowed the writ

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“5.However, the learned counsel appearing for the petitioner relied upon the Judgment passed by the Hon'ble Division Bench of this Court in W.A(MD)No.558 of 2009, dated 09.11.2009 (The Special Officer Vs. The Deputy Registrar and others), in a similar case, wherein this Court gave a favourable verdict to the petitioner. The relevant portion of which is extracted as follows:-

“6.As far as the first contention of the learned counsel for the appellant is concerned, it is true that there is no scheme in the appellant society for providing compassionate appointments. Nevertheless, it is an admitted fact that such appointments are being made in deserving cases. Therefore, merely because there is no scheme available, the request for compassionate appointment cannot be denied. As far as the impugned order in the writ petition rejecting the request for compassionate appointment is concerned, the Society has rejected the request wholly on the ground that the deceased husband of the first respondent was not regularized. In our opinion, having regard to the fact that the deceased employee had put in 15 years of service and in the absence of any scheme stipulating conditions as to consideration of compassionate appointment to the dependants of a regular employee, whether such employee has been made permanent or yet to be made permanent would be highly too technical to reject the application for appointment on compassionate ground. That apart, factually the name of the deceased employee was recommended by the Special Officer of the society in his



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proceedings dated 29.03.1996 for regularization along with similarly placed persons. However, before such recommendation was given effect to, unfortunately, the employee died on 15.11.1996. From the records it is also seen that within a period of 14 days, ie., on 29.11.1996, the all other persons numbering 14 and whose names were also recommended along with the deceased employee were regularized. The deceased employee could not be regularized as by that time he was not alive. Had been alive, he would have also also been regularized in service. In view of that, the argument of the learned counsel for the appellant that the deceased was not regularized and therefore, the first respondent cannot seek for compassionate appointment cannot be accepted.”

6.Following the same, the learned Single Judge of this Court in W.P(MD)No.1524 of 2020, dated 04.02.2020 (P.Pandeeswaran Vs. The Registrar of Co-operative Society and others) has permitted compassionate appointment for the legal heirs of the temporary employee. The relevant portion of which is extracted as follows:-

“7.It is also not disputed by the respondents that the services of the similarly placed employees, who had rendered services along with the petitioner's father, have now been regularized. This goes without saying that, had the petitioner's father been alive during that relevant point of time when the services of the similarly placed employees were regularized, the services of the petitioner's father also would have been regularized. The unfortunate and untimely death of the petitioner's father during his services, cannot now be cited as a reason that his services were not regularized and therefore, deprived the petitioner to the benefit of on compassionate appointment.”



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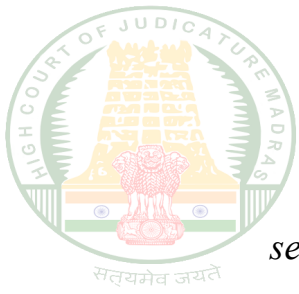
7. In another case in *M.Venkatesh Vs. the Principal Secretary to Government* reported in (2021) 2 MLJ 282, the Hon'ble Division Bench of this Court, in a similar case, has held as follows:-

“7. The issue, similar to the present one, has been decided by this Court in various cases and this Court has held that if an employee was qualified for regularization as on the date of his death, then the claim of his legal heirs cannot be rejected. In the present case also, the appellant's father was qualified for regularization as on the date of his death since he had worked for more than 28 years. Therefore, the claim of the appellant cannot be rejected.”

8. This Court is fully in consonance with all the verdicts passed by this Court in the order/Judgment mentioned supra. This is a case where the petitioner's father, who was appointed as attender at the first instance, from which post, he was promoted as a Clerk, who remained in the service of the second respondent Society from 19.02.1988 to 17.06.2021 without regularization ie., for a period of 33 years.

9. This Court in a batch of Writ Petitions in W.P.Nos.6425 of 2021 etc batch, dated 12.03.2021 (*G.Thamaraiselvan Vs. The Registrar of Co-operative Societies (Housing) and others*), has given a direction to the Government to extend the benefit of regularization to all the persons who are similarly placed even though they have not knocked at the doors of the Court.

10. Considering the said order, had the petitioner's father been alive, he would have been automatically regularized in



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service. Hence, this Court is of the considered view that the respondents ought not to have rejected the petitioner's application seeking compassionate appointment on the ground that the petitioner's employment was not regularized.

11. In view of the same, this Court hereby quashes the impugned order, dated 13.09.2022 passed by the first respondent and consequently, directs the respondents to forthwith grant appointment to the petitioner on compassionate grounds, within a period of twelve weeks from the date of receipt of a copy of this order."

3. The question that calls for consideration is whether in this Appeal the said order of the learned single Judge has to be set aside.

4. We went through the clarification issued by the Registrar of Cooperative Societies vide Circular No.7/2021 dated 09.09.2021. Paragraphs 2 and 9 of the said circular read as follows:

"2. The issue regarding extending these two benefits to the employees of Cooperative Societies whose services are not regularized has been under the consideration. Taking into account of the order dated 19.02.2021 and clarification order dated 22.04.2021 of the Hon'ble High Court Madras in W.P.No. 21440/2015 and WMP No.9463/2021 respectively it has now been decided that these two left over benefits namely promotion and appointment on compassionate grounds may also be



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extended to those employees appointed in Cooperative Societies during the period from 08.07.1980 to 12.03.2001, whose appointments were made in contravention of the service rules and whose services are not regularized, on humanitarian grounds and taking into consideration of their length of continuous service in the society concerned.

...

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."

Prima facie it appears that paragraphs 2 and 9 do not go together. In fact, the submission made before us is that until the Writ Appeal filed by the department



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is decided, the question of granting compassionate appointment to the legal

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5.In our view, paragraphs 2 and 9 of the aforesaid clarificatory circular dated 09.09.2021 can be easily harmonised. Paragraph 2 deals with employees who were appointed between 08.07.1980 and 12.03.2001. While paragraph 9 pertains to those who secured appointment through backdoor entry subsequent to the said cut off date. The case of the writ petitioner falls within the scope of paragraph 2. In this view of the matter, we decline to interfere with the order passed by the learned single Judge.

6.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
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NCC : Yes / No
Internet : Yes / No
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