



WEB COPY

WP No. 5988 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 5988 of 2024

A.Sivaganesh

Petitioner

Vs

1. II 522 Seppakkam Primary
Agricultural
Co-operative Credit Society,
Represented by its President/Secretary,
Cheppakam Post,
Veppur Taluk, Cuddalore District.

2.The Deputy Registrar of Cooperative
Society
Office of the Deputy Registrar of
Cooperative Societies,
Virudhachalam District.

3.Joint Registrar Zone,
Office of the Joint Registrar of
Cooperative Societies,
Cuddalore District.

4.Revenue Regional Officer
Office of the District Collector,
Veppur.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Certiorarified Mandamus, calling for the records of the respondent of the 2nd respondent in his proceedings bearing Na.Ka.165/2023 Tho.Ve.Sa(1)



dated 09.02.2024 and quash the same and consequentially direct the respondents to consider the request of the petitioner seeking the appointment on compassionate grounds in pursuance the death of the father of the petitioner who died on 30.03.2023 within a time frame fixed by this Court.

For Petitioner : Mr. G. Ilamurugu
For Respondents: Mr.R.Murthy
Govt. Advocate

ORDER

The writ petition has been filed challenging the proceedings of the 2nd respondent in Na.Ka.165/2023 Tho.Ve.Sa(1) dated 09.02.2024, whereby the request of the petitioner for appointment on compassionate grounds was rejected on the ground that the petitioner's father was not a regular Government servant at the time of his demise as well as sought consequential directions to the respondents to consider the request of the petitioner for appointment.

2. It is the case of the petitioner is that his father was working as Salesman in a Fair Price Shop under the 1st respondent from 08.04.2000. He continued in service and died in harness on 30.03.2023, leaving behind his legal heirs including the petitioner. According to the petitioner, immediately after the demise of his father, representations were submitted to the 1st respondent on 17.04.2023 and to the 4th respondent on 19.04.2023 seeking appointment on compassionate grounds. It is stated that the 1st respondent forwarded a positive proposal to the 3rd respondent on 31.08.2023. However, the petitioner was informed that there was no vacancy in the concerned post and that he would be



considered in another society under transit basis. Thereafter, the 2nd respondent, by the impugned order dated 09.02.2024, rejected his request on the ground that his father's services had not been regularised and that he was only a temporary employee, and therefore he was not eligible for compassionate appointment. Challenging the rejection order dated 09.02.2024 issued by the 2nd respondent, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that the impugned order is arbitrary and contrary to the Circular issued by the Registrar of Co-operative Societies in Circular No.7/2021 dated 09.09.2021. He submitted his further arguments by placing reliance on the said Circular and the orders passed by this Court in W.P.No.21440 of 2015 dated 19.02.2021 and clarification order dated 22.04.2021, he contended that the benefit of compassionate appointment was extended even to those employees appointed in Co-operative Societies during the period from 08.07.1980 to 12.03.2001 whose appointments were irregular and whose services were not regularised.

4. Learned counsel further submitted that non-regularisation was not attributable to the employee and the respondents ought to have regularised the petitioner's father and extended the benefit. It is the argument that though the petitioner's father put much efforts for regularisation, it was not done so. He vehemently argued that since petitioner's father had been continuously working from the year 2000 till his death in 2023, the respondents ought to have treated



him as a regular employee and consequently extended the benefit of compassionate appointment. Also, he argued that the impugned order refers to G.O.(Ms) No.33 dated 08.03.2023, which came into force only shortly before the death of the petitioner's father. According to the petitioner, the said Government Order cannot operate retrospectively so that the benefits available to the petitioner cannot be taken away. Therefore, the rejection is illegal and discriminatory in nature. On the aforesaid score, he prayed for allowing of this writ petition by setting aside the order dated 09.02.2024 issued by the 2nd respondent.

5. Per contra, learned Government Advocate appearing for the respondents submitted that Circular No.7/2021 dated 09.09.2021 stood superseded by G.O.(Ms) No.33 dated 08.03.2023. As per Clause II of the said Government Order, "Government servant" has been clearly defined to mean a person who has been appointed in accordance with the relevant service rules and who has been retained as an approved probationer or whose services have been regularised. It specifically excludes temporary and casual employees. He further submitted that the petitioner's father was never regularised and remained as a temporary employee till his death on 30.03.2023. The death having occurred after the issuance of G.O.(Ms) No.33 dated 08.03.2023, the claim of the petitioner has to be considered only in the light of the said Government Order.



6. This Court heard the rival submissions of the learned counsel on either side and perused the materials placed on record.

7. It is not in dispute that the petitioner's father died on 30.03.2023 while in service as a Salesman in a Fair Price Shop under the Co-operative Society. It is also not in dispute that his services were not regularised at any point of time. The claim of the petitioner is founded upon Circular No.7/2021 dated 09.09.2021 issued by the Registrar of Co-operative Societies. However, the records reveal that the said Circular stood superseded by G.O.(Ms) No.33 dated 08.03.2023, which was in force on the date of death of the petitioner's father.

8. As per G.O.(Ms) No.33 dated 08.03.2023, the benefit of compassionate appointment is confined only to the legal heirs of a “Government servant” as defined therein. The definition clause makes it abundantly clear that only those employees whose services have been duly regularised and who hold the status of approved probationer or permanent employee would fall within its ambit. Temporary or casual employees are specifically excluded.

9. In the present case, the petitioner's father admittedly remained as a temporary employee and his services were never regularised. This Court cannot, in exercise of writ jurisdiction, direct retrospective regularisation merely to enable the petitioner to claim compassionate appointment.

10. It is well settled that compassionate appointment is not a vested right nor a mode of public employment. It is an exception carved out to meet sudden



financial distress faced by the family of a deceased Government servant. Such scheme must be strictly construed in terms of the prevailing Government Orders. Since the death of the petitioner's father occurred after the issuance of G.O.(Ms) No.33 dated 08.03.2023, the petitioner's claim has to be tested only under the said Government Order. In view of the clear exclusion of temporary employees under the said G.O., the petitioner is not entitled to compassionate appointment.

11. This Court does not find any illegality or infirmity in the impugned order of the 2nd respondent dated 09.02.2024 warranting interference.

12. For the reasons aforesaid, the writ petition deserves no merit and the same stands dismissed. No costs.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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