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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE E.MANOHARAN

WA No. 3376 of 2024
&
C.M.P. No. 26184 of 2024

CNR:{HCMA011837492024}

The Chairman And Managing Director
Central Co-Operative Bank Ltd.
2, Hospital Road, Villupuram.

Appellant(s)

Vs

1. M. Rama

2.The Joint Registrar
Co-operative Department,
Villupuram Zone, Villupuram.

Respondent(s)

PRAYER

Writ appeal filed under clause 15 of Letters Patent to set aside the order dated 30.11.2023 passed in WP No.9008/2023.

For Appellant(s): Mr.R. Arumugam

For Respondent(s): Ms. M.E. Rani Selvam for R1
Mr.R. Veeramani,
Special Government Pleader for
R2

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J U D G M E N T

*(Delivered by **Dr.G.Jayachandran J.**)*

This is a pathetic case of a widow, who lost her husband, by name, V. Murthy, who was an employee under the 2nd respondent/Co-operative Department and dismissed from service for his prolonged unauthorised absence due to illness. When the widow sought for compassionate appointment, her request was rejected on the ground that her husband was not in service on the date of his death. However, on intervention by this Court, she was given liberty to challenge the dismissal order of her husband posthumously along with a request to grant her appointment on compassionate grounds.

2. Pursuant thereto, the widow of said V. Murthy/1st respondent herein preferred an appeal to the 2nd respondent/Joint Registrar of Co-operative Department challenging the dismissal order of her husband along with a request for appointment on compassionate grounds. The 2nd respondent considered the said appeal and rejected it by order dated 07.10.2022 on the sole ground that since the 1st respondent's husband was dismissed from service, she cannot claim compassionate appointment. However, there was no reference made to the challenge made by the 1st respondent to the dismissal order of her husband. The said order dated 07.10.2022 was challenged by the 1st respondent in W.P. No. 9008 of 2023.

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3. The learned Single Judge, on finding that the rejection of the appeal challenging the dismissal order, being a non-speaking order, without assigning reason and the consequential rejection of the request for compassionate appointment was meritless, allowed the writ petition, by order dated 30.11.2023 and the operative portion of the order is extracted hereunder:

> *"16. In the result, the order of the dismissal dated 25.02.2015 passed by the first respondent herein, as confirmed by the first respondent in the order passed in review petition dated 03.08.2015, are set aside. Consequently, the following directions are issued:-*
>
> > *(i) The respondents herein shall forthwith pass orders, notionally reinstating the petitioner's husband V. Murthy into service from 25.02.2015 onwards and record that since he had died on 04.04.2015, the petitioner would be eligible for death cum retirement benefits.*
> >
> > *(ii) Such orders as aforesaid shall be passed, within a period of four ((04) weeks from the date of receipt of a copy of this order.*
> >
> > *(iii) The order dated 22.05.2015 rejecting the petitioner's request for compassionate appointment, is hereby set aside.*
> >
> > *(iv) The second respondent shall forthwith take up the application filed by the petitioner dated 16.04.2015, seeking for compassionate appointment and pass favourable orders, appointing the petitioner on compassionate grounds to any suitable post, within a period of 3 months from the date of receipt of a copy of this order. While passing such orders on the petitioner's application dated 16.04.2015, the second respondent is at liberty to seek for all supporting documents to*

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substantiate that the petitioner herein is the legally wedded wife of the late employee V. Murthy and when satisfied, shall issue necessary posting orders."

Aggrieved by the said order, the present writ appeal has been filed by the 2nd respondent in the writ petition.

4. Since the learned Single Judge has, in detail and vividly narrated the background facts, it is needless to reiterate the same.

5. The Chairman and Managing Director, Central Co-operative Bank, Villupuram has preferred this appeal on the ground that compassionate appointment can be granted only if the dependant of an employee, who died, while in service or if the employee is medically invalidated. The 1st respondent/Rama is neither a dependant of an employee, who died, while in service nor is she qualified for any last entry level post. According to the learned counsel for the appellant, V. Murthy, the husband of the 1st respondent was dismissed from service and after the dismissal, he died. Therefore, she will not fall under the category of dependant of an employee, who died, while in service. According to the learned counsel, as far as dependency is concerned, there is a cloud over her marital status with V. Murthy.

6. From the records produced, we find that the 1st respondent/Rama was married to V. Murthy on 08.11.2010. The said V.Murthy was appointed as an Assistant in the year 1997 in the appellant Bank. When he was transferred from Villupuram to Thyagadurgam Branch on 29.06.2012, he had gone on

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medical leave for a period of three months from 09.07.2012. Even after the expiry of medical leave on 09.10.2012, he did not join duty. Hence, a charge memo was issued against him for unauthorised absence on 18.04.2013. Though in the domestic enquiry conducted, initially, the said V. Murthy had participated and submitted his defence statement, subsequently, when the charges against him were held proved by the Enquiry Officer and the Disciplinary Authority had called for further explanation, the said V. Murthy, for reasons best known to him, did not submit his further explanation nor availed the opportunity of personal hearing. Hence, punishment of dismissal from service was imposed on him. Soon thereafter, the said V. Murthy died on 04.04.2015.

7. When the 1st respondent/Rama filed W.P. No. 19235 of 2015 seeking compassionate appointment, the said writ petition was disposed of granting her liberty to challenge the termination order of her husband. Thus, she filed an appeal before the Joint Registrar of Co-operative Department/2nd respondent herein, who had passed an order, which was found to be a non-speaking order by the learned Single Judge.

8. On a reading of the impugned order, we are fully in agreement with the view expressed by the learned Single Judge. The dismissal of V.Murthy from service pursuant to enquiry proceedings, in which he was not able to participate due to his illness and which is clearly proved by his subsequent death, should have been considered on merits and a speaking order should have

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been passed. Since a non-speaking order has been passed, the learned Single Judge has rightly observed that the order passed dismissing V. Murthy from service is non-est and he must be deemed to be in service on the date of his death.

9. The only objection on the part of the appellant could be whether the reinstatement order with all backwages and attendant benefits ordered by the learned Single Judge satisfies the test of law.

10. We, in this case, find that a prolonged unauthorised absence has led to dismissal of the employee V. Murthy from service. Though, by way of an appeal, the 1st respondent/Rama has given some explanation for his absence, that cannot lead to notionally reinstating V. Murthy, in service from 25.02.2015 onwards and record that since he had died on 04.04.2015, the 1st respondent would be eligible for death cum retirement benefits. To that extent, we hold that notional reinstatement shall be taken into consideration only for providing compassionate appointment to the 1st respondent and the 1st respondent's application for compassionate appointment must be considered within a period of one month from the date of receipt of a copy of this order and she must be given a posting, according to her eligibility.

11. We make it clear that the above direction will not enure any other monetary benefit to the 1st respondent herein in respect of service rendered by V. Murthy and this notional reinstatement is only for the purpose of considering

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her request for compassionate appointment. The appellant herein shall comply with the direction issued by this Court in respect of providing compassionate appointment to the 1st respondent without delay, provided she satisfies other requirements of employment.

12. The writ appeal stands disposed of with the above directions. No costs. Connected C.M.P. is closed.

(DR. G.JAYACHANDRAN J.) (E.MANOHARAN J.)
28-10-2026

Neutral Citation:Yes/No
nv

To

1. The Chairman And Managing
Director
Central Co-Operative Bank Ltd.
2, Hospital Road, Villupuram.

2.The Joint Registrar
Co-operative Department, Villupuram
Zone, Villupuram.

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