

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22960 of 2018

All Cooperative Members and Staffs
Welfare Society Erode,
Bearing Registration No.22/2016
Rep. by its President N.Rajaram,
11/7C, Muthusamy Street,
C.L.Complex, Erode-1.

...Petitioner

...vs...

1.The State of Tamilnadu
Rep. by the Secretary
Cooperation, Food and Consumer Production
Fort St., George, Chennai - 600 009.

2. The Registrar of Cooperative Societies
No.170 EVR Periyar Salai
"NVN" Maaligai,
Kilpauk, Chennai-600 010.

....Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to pass orders on the representation dated 07.03.2017 seeking fixation of appropriate time scale of pay as per G.O.Ms.No.137 Cooperative, Food and Consumer Productions Department dated 09.11.2015 on merits and as per law, within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co.op) accepts notice for the respondents.

2. By consent, this Writ Petition is taken up and disposed of at the stage of itself.

3.This Writ Petition has been filed seeking for a direction to the first respondent to pass orders on the

representation of the petitioner dated 07.03.2017, seeking fixation of appropriate time scale of pay as per G.O.Ms.No.137 Co-operative, Food and Consumer Productions Department, dated 09.11.2015, on merits and as per law, within a stipulated period.

4. The case of the petitioner is that the Petitioner Association is a registered one and the members of their association working under the second respondent. The petitioner therein as such have sent a representation to the first respondent on 07.03.2017, seeking to extend the benefits of pay scale as per Government Order in G.O.(Ms)No.137 -Cooperation Food & Consumer Production, dated 09.11.2015 to their society members. Since, no decision on the same being taken till date, they have come before this Court by filing this Writ Petition seeking for a direction to the first respondent to pass orders on the representation submitted by the petitioner dated 07.03.2017, requesting for fixation of appropriate time scale of pay as per G.O.Ms.No.137 Cooperative, Food and Consumer Productions Department dated 09.11.2015 on merits and as per law, within a stipulated period.

5. Mr.L.Chandrakumar, learned counsel for the petitioner submits that since the petitioner representation in this regard is pending with the first respondent from 07.03.2017, without being attended to, the first respondent is guilty of inaction, hence direction be given to the first respondent to dispose of the said representation in the light of the Government Order in G.O.Ms.No.137 Cooperative, Food and Consumer Productions Department dated 09.11.2015 within a stipulated period.

6. Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-op) submits that such Government Order is not applicable to the case of the members of petitioner's association and as such the representation in this regard is without any merits and therefore this Writ Petition is liable to be dismissed.

7. This Court considered the submissions made by the parties.

8. The grievance of the petitioner is against the inaction of the first respondent, in consideration of the representation made on 07.03.2017. Needless to say that when such representation is filed, the authority is duty bound to dispose of the same, within a reasonable period. But in this case, the authority has not done so. Further, the petitioner has not sought for any direction to the first respondent to dispose of the representation in any particular manner, but only seeks to consider the same in accordance with law.

9. Considering the aforesaid fact and admittedly also, the representation is filed a year before, but no decision on the same being taken by the first respondent till date, this court is of the view that the first respondent is guilty of inaction in disposing of the representation.

10. Hence, this Court disposes of this Writ Petition with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner dated 07.03.2017, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediment, keeping in mind, the applicability of the aforesaid Government Order to the case of the petitioner. However, it is made clear that this Court has expressed no opinion on the merits of the representation. No costs.

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Sd/-
Assistant Registrar (CS-CO)

// True Copy//

Sub Assistant Registrar

To

1. The Secretary
The State of Tamilnadu
Cooperation, Food and Consumer Production
Fort St., George, Chennai - 600 009.
2. The Registrar of Cooperative Societies
No.170 EVR Periyar Salai
"NVN" Maaligai,
Kilpauk, Chennai-600 010.

+ 1 CC TO MR.L.CHANDRAKUMAR, ADVOCATE SR 60916
+ 1 CC TO THE GOVT. PLEADER, SR 61732

KR/10/10/18

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