



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.875 of 2020

WEB COPY

K.Arockiyasamy

...Petitioner

Vs

1. The Secretary to Government
Co-Operation, Food and Consumer Protection
Department,
Secretariat,
Chennai - 600 009.

2. The Registrar of Co-Operative Societies
NVN Nataraja Maligai
Kilpauk
Chennai - 600 010.

3.The Deputy Registrar of Co-Operative Societies,
Sivagangai ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e, the Secretary to Government, Co-operation, Food and Consumer Protection Department, Chennai to instruct the second and third respondents i.e the Registrar of Co-operative Societies, Chennai and the Deputy Registrar of Co-operative Societies, Sivagangai to pass appropriate orders on the petitioner's representation dated 02.11.2019 regarding refixation of his grade pay in the cadre of Office Assistant as Rs.1900/- and the grade pay in the cadre of Record Assistant as Rs.2600/- within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

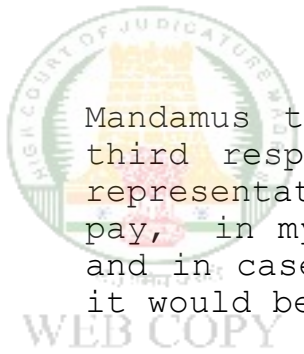
For Respondents : Mr.R.Sethuraman

Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Though the petitioner has sought for issuance of Writ of



Mandamus to the the first respondent to instruct the second and third respondents to pass appropriate orders on the petitioner's representation dated 02.11.2019 regarding refixation of his grade pay, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 02.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 02.11.2019, on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in the representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn



To

1. The Secretary to Government
Co-Operation, Food and Consumer Protection
Department,
Secretariat,
Chennai - 600 009.

2. The Registrar of Co-Operative Societies
NVN Nataraja Maligai
Kilpauk
Chennai - 600 010

3. The Deputy Registrar of Co-Operative Societies,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-2142[F] dated 21/01/2020)

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-1914[F] dated 20/01/2020)

W.P. (MD) No.875 of 2020

20.01.2020

KK/SAR/10.02.2020/3P-6C/