



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD) No.1507 of 2020

V.Berkmans

... Petitioner

/vs./

1.The Registrar,
Cooperative Societies,
Kilpauk, Chennai 600 010.

2.The Deputy Registrar of Cooperative
Societies,
No.51, Aruna Nagar,
Govindarajulu Salai,
(Opp., Municipality Park)
Karaikudi 630 001,
Sivagangai District.

3.The President,
DR(L) RMD.6, Kallal Cooperative Primary
Agricultural & Rural Development Bank
(Banking Sector)
No.35, Chekkalai, II Street,
Karaikudi 630 002
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to forthwith disburse the entire retirement benefits including gratuity, provident fund and all arrears and monthly pension payable to the petitioner together with interest at 12% p.a., for the delayed settlement from the date of retirement on 31.08.2011.

For Petitioner : Mr.K.R.Shiva Shankari

For Respondents : Mr.R.Sethuraman
Special Government Pleader (for R1 &R2)

Mr.S.Seenivasagam (for R3)



ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents herein to forthwith disburse the entire retirement benefits including gratuity, provident fund and all arrears and monthly pension payable to him together with interest at 12% p.a., for the delayed settlement from the date of retirement, 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 22.10.2019 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 respondents herein to consider the petitioner's representation, dated 22.10.2019, on its own merits and pass appropriate orders within a period of eight (8) 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 his 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 (P&A)

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/ /2020

Sub Assistant Registrar(CS)

rmk

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Registrar,
Cooperative Societies,
Kilpauk, Chennai 600 010.

2.The Deputy Registrar of Cooperative
Societies,
No.51, Aruna Nagar,
Govindarajulu Salai,
(Opp., Municipality Park)
Karaikudi 630 001,
Sivagangai District.

+1 CC to M/s.S.SEENIVASAGAM, Advocate (SR-3573[F] dated
29/01/2020)

+1 CC to M/s.SPL.GP (SR-3737[F] dated 29/01/2020)

+1 CC to M/s.S.SRINIVASA RAGAVAN, Advocate (SR-3271[F] dated
27/01/2020)

Order made in
W.P.(MD)No.1507 of 2020
27.01.2020

JMN(17.02.2020) 3P : 6C