



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

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

W.P.(MD) No.3119 of 2020

K.R.Markandan

... Petitioner

/vs./

1.The President,
Primary Agricultural Co-operative Bank (PACB),
Mangalamkombu,
Kodaikkanal Taluk,
Dindigul District.

2.The Secretary,
Primary Agricultural Co-operative Bank (PACB),
Mangalamkombu,
Kodaikkanal Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first and second respondents to forthwith release the petitioner's retirement benefits, namely, Gratuity amount of Rs.4 Lac, and PF amount of Rs.3 Lac, totaling to the tune of approximately Rs.7 Lac, by taking into account that his date of Birth is 02.06.1961 on the strength and basis of the copies of Aadhar Card, PAN Card, Family Card, Medical Certificate to prove age and Deposition made before Notary Public, by considering his representation dated 21.12.2019.

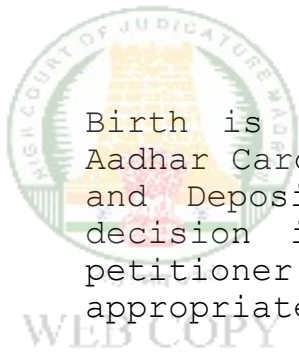
For Petitioner : Mr.G.Thiagarajan

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

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 first and second respondents to forthwith release the his retirement benefits, namely, Gratuity amount of Rs.4 Lac, and PF amount of Rs.3 Lac, totaling to the tune of approximately Rs.7 Lac, by taking into account that his date of



Birth is 02.06.1961 on the strength and basis of the copies of Aadhar Card, PAN Card, Family Card, Medical Certificate to prove age and Deposition made before Notary Public, 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 a representation on 21.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 petitioners' representation, dated 21.11.2019, on its own merits and pass appropriate orders within a period of six (6) 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

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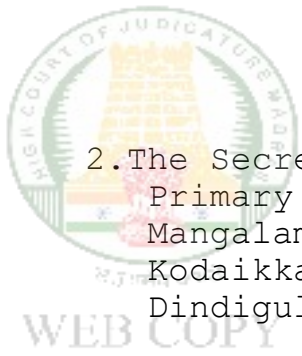
/ /2020

Sub Assistant Registrar(CS)

To:

1.The President,
Primary Agricultural Co-operative Bank (PACB),
Mangalamkombu,
Kodaikkanal Taluk,
Dindigul District.

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



2.The Secretary,
Primary Agricultural Co-operative Bank (PACB),
Mangalamkombu,
Kodaikkanal Taluk,
Dindigul District.

+1 CC to SPL.GP (SR-6764[F] dated 18/02/2020)

+1 CC to Mr.G.THIYAGARAJAN, Advocate (SR-6866[F] dated 18/02/2020)

Order made in
W.P. (MD) No.3119 of 2020
17.02.2020

VB(02.03.2020) 3P 5C