



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

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

W.P. (MD) No.3316 of 2020

T.Thangam

... Petitioner

/vs./

- 1.The State of Tamil Nadu
Represented by Principal Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai-9.
- 2.The Registrar of Co-operative Societies
No.170, E.V.R.Periyar High Road,
Kilpakak, Chennai-600 010.
- 3.The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Palayamkottai, Tirunelveli-627002.
- 4.The Special Officer,
O.1923, the Nanguneri Radhapuram Taluks,
Agricultural Producers Co-operative Marketing Society Ltd,
Valioor-627 117,
Tirunelveli 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 regularize of service and re-fixation of pay scale on the basis of the petitioner representation dated 24.05.2018 consequently the respondents to give all other monetary benefits to the petitioner forthwith.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.M.Karuppasamy
R1 to R3 Government Advocate

For R4 : J.Gunaseelan Muthiah



ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents herein to regularize of service and re-fixation of pay scale and consequently, to direct the respondents to give all other monitory benefits to him, 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 24.05.2018 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 petitioner's representation, dated 24.05.2018, 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 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-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:-

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai-9.
- 2.The Registrar of Co-operative Societies
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+1 CC to M/s.N.S.RAMAKRISHNADASS, Advocate (SR-7119[F] dated 19/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-7271[F] dated 20/02/2020)

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-7657[F] dated 21/02/2020)

Order made in
W.P.(MD)No.3316 of 2020

cp
SDS (03.03.2020) 3P-8C