



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.4128 of 2020

P.Arjunan

... Petitioner

/vs./

1.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

2.The Deputy Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

3.The President,
Y-183, Sarakkalvilai Primary Agricultural Co-operative
Credit Society,
Kottar Post, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent herein to disburse all the retirement benefits including the payment of gratuity, surrender leave salary and bonus etc., to the petitioner on the basis of the petitioner's representation dated 28.01.2020 within the time frame as may be fixed by this Court.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.V.Anand

Government Advocate (For R1 & R2)

Mr.C.Ramar

Additional Government Pleader (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 third respondent herein to disburse all the retirement benefits including the payment of gratuity, surrender leave salary and bonus etc., to the petitioner, in my view, such a decision is to be taken by the third respondent 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 28.01.2020 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 third respondent herein to consider the petitioner's representation, dated 28.01.2020, on its own merits and pass appropriate orders within a period of two (2) 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 third respondent 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)

To:

- 1.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.
- 2.The Deputy Registrar of Co-operative Societies,
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- 3.The President,
Y-183, Sarakkalvilai Primary Agricultural Co-operative
Credit Society, Kottar Post, Kanyakumari District.

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-9261[F]
+1 CC to M/s.Special Govt.Pleader (SR-9538[F]

Order made in
W.P.(MD)No.4128 of 2020
28.02.2020

rmk

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