



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26463 of 2019

M.S.Seshu

... Petitioner

/vs./

1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Thanjavur.

2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar Co-operative Societies,
Pattukottai,
Thanjavur.

3.The President/Secretary,
No.TA-5, Mandalakottai Primary Agricultural
Co-operative Credit Society Limited,
Keelakurichi,
Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent society to implement the orders passed by the Assistant Commissioner of Labour dated 28.08.2017 made in P.Vu.1/2017 insofar as payment of a sum of Rs.4,19,423/- being arrears of subsistence allowance and also the order passed by the learned Appellate Tribunal Trichy made in Appeal No.111/2017 dated 02.04.2018 insofar as payment of arrears of gratuity amount of Rs.2,18,286/- within the time stipulated by this Court and consequently, directing the third respondent to settle all retirement benefits that are entitled and payable to the petitioner in accordance with law.

For Petitioner : Mr.B.Jameel Arasu

For R1 & R2 : Mr.M.Karuppasamy
Government Advocate

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 society to implement the orders passed by the Assistant Commissioner of Labour dated



28.08.2017 made in P.Vu.1/2017 insofar as payment of a sum of Rs.4,19,423/- being arrears of subsistence allowance and also the order passed by the learned Appellate Tribunal Trichy made in Appeal No.111/2017 dated 02.04.2018 insofar as payment of arrears of gratuity amount of Rs.2,18,286/- and to direct the third respondent to settle all retirement benefits that are entitled and payable to the petitioner in accordance with law, in my view, such a decision is to be taken by the 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 10.01.2019 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 third respondent herein to consider the petitioner's representation, dated 10.01.2019, in the light of the orders passed by the Assistant Commissioner of Labour dated 28.08.2017 for grant of subsistence allowances and also the order passed by the learned Appellate Tribunal Trichy dated 02.04.2018, for grant of payment of gratuity and pass appropriate orders, within a period of six 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 direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar Co-operative Societies,
Pattukottai,
Thanjavur.

+1 CC to SPL.GP (SR-2339[F] dated 22/01/2020)

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VB(04.02.2020) 3P 4C