

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2963 of 2021

R.Silambarasan

... Petitioner

-vs-

- 1.The Registrar,
Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
Poonamallee High Road,
Kilpauk,
Chennai-600 010.
 - 2.The Assistant Registrar,
Co-operative Department Campus,
Medical College Road,
Ramani Nagar,
Tanjore-613 007.
 - 3.The Secretary,
T-1552 Thuraiyur Primary Agricultural Society Ltd.,
Thuraiyur, Madigai Main Road,
Saithambalpuram Post,
Tanjore Taluk & District, PIN-613 001.
- ... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the first and third respondents to disburse remaining retirement benefits of Rs.3,48,596/- payable to petitioner's father, namely, M.Rajendran, who retired on 29.02.2008, to his family based on his representation dated 07.01.2021.

For Petitioner : Mr.S.Angamuthu

For Respondents : Mr.D.Venkatachalam

O R D E R

The petitioner has filed this writ petition, seeking a direction to the first and third respondents to disburse remaining retirement benefits of Rs.3,48,596/- payable to petitioner's father, namely, M.Rajendran, who retired on 29.02.2008, to his family based on his representation dated 07.01.2021.

2. Mr.D.Venkatachalam, learned Counsel takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, his father worked with the 3rd respondent as Senior Writer and attained superannuation on 29.02.2008. After his retirement, he was not disbursed any amount in terms of retirement benefits and subsequently, his father died on 31.10.2020. It is the case of the petitioner that though a sum of Rs.70,000/- was paid to his family in instalments, the remaining amount of Rs.3,48,396/- has not been disbursed to his family. Hence, he made a representation to the 1st respondent on 07.01.2021 for disbursement of his father's retirement benefits. Since the said representation did not evoke any response, he is before this Court.

4. Learned counsel for the Respondents contended that if a reasonable time is granted to the 1st respondent, the representation of the petitioner will be considered and suitable orders be passed on the same.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation of the petitioner dated 07.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail

the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 07.01.2021 and this order, to the respondents 1 & 3 forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar,
Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
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Kilpauk,
Chennai-600 010.

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3.The Secretary,
T-1552 Thuraiyur Primary Agricultural Society Ltd.,
Thuraiyur, Madigai Main Road,
Saithambalpuram Post,
Tanjore Taluk & District, PIN-613 001.

+1cc to Mr.Venkatachalam, Advocate, SR.No.7953.
+1cc to Mr.Angamuthu, Advocate, SR.No.7961.
+1cc to the Government Pleader, SR.No.8641.

W.P.No.2963 of 2021

MG (CO)
CSR 28.04.2021



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