

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5980 of 2021
(Heard through VC)

R.Balakrishnan

.. Petitioner

-vs-

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Co-operative Societies,
Fort St. George,
Chennai - 600 009.
- 2.The Joint Registrar of Co-operative Societies,
Cuddalore Regional Officer,
Beach Road, Cuddalore - 607 001.
- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operative Societies (Cuddalore Circle),
Dhandapani Nagar, Semmandalam,
Cuddalore - 607 001.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the third respondent to consider and dispose of the petitioner's representation dated 29.02.2020 with regard to the dues payable to the petitioner arising out of the services.

For Petitioner : Dr.P.Vasudevan

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition seeking a direction to the third respondent to consider and dispose of his representation dated 29.02.2020 with regard to the dues payable to the him arising out of the services.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents.

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

4. The facts of the case is that the petitioner joined the services with the Co-operative Societies Department and retired from service on 31.05.2003. While in service, a surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act was initiated by the third respondent against the petitioner. However, the said order dated 20.10.2009 passed by the third respondent was set aside in the Co-operative Civil Miscellaneous Appeal No.16 of 2010. Thereafter, the petitioner has been repeatedly approaching the third respondent to settle his dues. The third respondent demanded a payment of Rs.88,305/- as damages. The said demand was also set aside in the appeal preferred by the petitioner before the District Court, Cuddalore. Thereafter, the petitioner has sent several representations to the third respondent to settle his dues, the last such representation is dated 29.02.2020. But, till now, there was no progress. Hence, this petition.

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 respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents, more particularly, the third respondent herein to consider the representation submitted by the petitioner dated 29.02.2020, 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 90 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, 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 third 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 29.02.2020 and this order, to the third respondent forthwith;

v) The third 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamilnadu,
Department of Co-operative Societies,
Fort St. George,
Chennai - 600 009.
 - 2.The Joint Registrar of Co-operative Societies,
Cuddalore Regional Officer,
Beach Road, Cuddalore - 607 001.
 - 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operative Societies (Cuddalore Circle),
Dhandapani Nagar, Semmandalam,
Cuddalore - 607 001.
- +1 CC to Mr.P. Vasudevan, Advocate sr 14797
+1 CC to The Special Govt. Pleader sr 15156.

W.P.No.5980 of 2021

RR(CO)
SP(20/05/2021)