

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10758 of 2021

G.Murugan

...Petitioner

Vs

1.The Deputy Registrar of
Co-operative Societies,
Dharmapuri District,
Dharmapuri.

2.The President,
K.K.364, Karimangalam Primary
Agricultural Co-operative Credit
Society,
Karimangalam Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to consider the representation of the petitioner dated 24.12.2020 seeking to pay the subsistence allowance amounting to a sum of Rs.7,17,701/- to the petitioner, for the period under suspension from 04.07.2015 to 23.04.2018.

For Petitioner : Mr.G.Arul Murugan

For Respondents: Mrs.T.Girija, AGP for R1
Mr.L.P.Shanmuga Sundaram, SGP
for R2

O R D E R

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

2. Since the petitioner's request to pay the subsistence allowance amounting to a sum of Rs.7,17,701/- to the petitioner, for the period under suspension from 04.07.2015 to 23.04.2018, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 24.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory

Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 24.12.2020 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 24.12.2020 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Deputy Registrar of
Co-operative Societies,
Dharmapuri District, Dharmapuri.

2.The President,
K.K.364, Karimangalam Primary
Agricultural Co-operative Credit Society,
Karimangalam Taluk,
Dharmapuri District.

+1cc to the Special Government Pleader(CO.OP), S.R.No. 26727

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SVI (CO)

GN(28/06/2021)

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