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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15891 of 2020 and
W.M.P.No.19749 of 2020

T.Ramalingam

...Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.
2. The Deputy Registrar of Cooperative Societies,
Tirukoilur Circle, Tirukoilur,
Kallakurichi District.
3. The President,
1.1.606, Arasur Primary Agricultural
Cooperative Credit Society,
Arasur & Post - 607 107
Thiruvannainallur Taluk,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the petitioner's retirement benefits like Gratuity, Provident Fund, Encashment of Earned Leave and Encashment of Un-earned leave on private affairs as per U/s.78 and 79 of Tamil Nadu Cooperative Societies Act together with arrears of salary for the period from 01.09.2003 to 31.03.2008 together with interest to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Tippu Sultan - For R1 & R2
: Mr.L.P.Shanmugasundaram - For R3



O R D E R

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

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2. Since the petitioner's request to disburse the petitioner's retirement benefits together with arrears of salary for the period from 01.09.2003 to 31.03.2008 was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 11.09.2020, 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 first respondent herein to consider the petitioner's representation dated 11.09.2020 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 first respondent to consider the petitioner's representation dated 11.09.2020 on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KST



To

1. The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.
2. The Deputy Registrar of Cooperative Societies,
Tirukoilur Circle, Tirukoilur,
Kallakurichi District.
3. The President,
1.1.606, Arasur Primary Agricultural
Cooperative Credit Society,
Arasur & Post - 607 107
Thiruvannainallur Taluk,
Villupuram District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.35398
+1cc to the Government Pleader, S.R.No.35597

W.P.No.15891 of 2020

PCH(CO)
HS(09/08/2021)