



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.758 of 2021

D.Kathiresan

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, EVR Highways, Chennai.

2.The Joint Registrar of Co-operative Societies,
Theni Region, Theni District.

3.The Circle Deputy Registrar,
Uthamapalayam Circle, Theni District.

4.N.A.858/9726, Bodinayakkanur Cardamom and Cofee Farmers
Co-operative Credit Society,
Rep. by its President Bodinayakanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.3 and 4 to enter into 12(3) settlement as per the circular issued by the 1st respondent dated 08.11.2018 and thereby revise the pay scale of the petitioner with effect from 01.04.2018 and thereby pay the arrears of salary as well as revised retirement benefits within the time fixed by this Court.

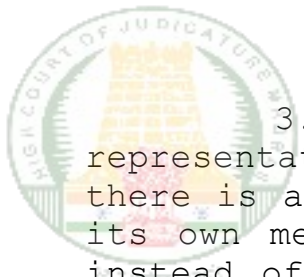
For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to to enter into 12(3) settlement as per the circular issued by the 1st respondent dated 08.11.2018 and thereby revise the pay scale of the petitioner with effect from 01.04.2018 and thereby pay the arrears of salary as well as revised retirement benefits, were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 04.09.2020, 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 third and fourth respondents herein to consider the petitioner's representation dated 04.09.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the third and fourth respondents to consider the petitioner's representation dated 04.09.2020, 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Registrar of Co-operative Societies,
No.170, EVR Highways,
Chennai.

2.The Joint Registrar of Co-operative Societies,
Theni Region, Theni District.

3.The Circle Deputy Registrar,
Uthamapalayam Circle,
Theni District.

4.The President,
N.A.858/9726, Bodinayakkanur Cardamom and Cofee Farmers
Co-operative Credit Society,
Bodinayakanur,
Theni District.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-1507[F] dated 21/01/2021)

+1 CC to SGP (SR-1623[F] dated 21/01/2021)

W.P. (MD) No.758 of 2021
20.01.2021

KM (01.02.2021) 3P 7C