



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1510 of 2021

A.John Durai

... Petitioner

Vs.

1.Registrar of Co-operative Societies,
E.V.R.Salai, Chennai-600 010.

2.Joint Registrar,
Thiruchirapalli District Central Co-op., Bank Ltd.,
No.1, Fort Station Road,
Thiruchirapalli-620 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pay the arrears of pension for the period 01.09.2007 to 01.02.2020 with interest and as well as to pay the interest on the belated gratuity amount within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan
For R-1 : Mr.C.Ramar
Additional Government Pleader

For R-2 : Mr.D.Shanmugaraja Sethupathy

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 pay the arrears of pension for the period from 01.09.2007 to 01.02.2020 with interest as well as to pay the interest on the belated gratuity amount were not considered, the Writ Petition has been filed. According to the petitioner, he has made the representations in this regard on 16.10.2017 and 16.12.2019, 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 representations dated 16.10.2017 and 16.12.2019, 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 view 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 representations dated 16.10.2017 and 16.12.2019, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The Registrar of Co-operative Societies,
E.V.R.Salai,
Chennai-600 010.

+1 CC to GP (SR-2824[F] dated 02/02/2021)

+1 CC to Mr.K.GURUNATHAN, Advocate (SR-2553[F] dated 01/02/2021)

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-2720[F] dated 02/02/2021)

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01.02.2021

(SSS)

<https://hcservices.ecourts.gov.in/hcservices/>
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