



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1964 of 2021

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Kulandaivel

...Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by Commissioner of Agriculture,
Director / Registrar of Tamil Nadu Agro Engineering & Service,
Co-operative Services,
Chepauk, Chennai - 600 005.
- 2.The Director - cum - Registrar of
Tamil Nadu Agro Engineering & Service,
Co-operative Services,
Chepauk, Chennai - 600 005.
- 3.The Liquidator (Official),
Agriculture Officer,
Block Agricultural Extension Centre,
Vengakalpatti Village,
Thanthoni Block,
Karur District.
- 4.The President,
R-1695, Thanthoni Agro Engineering & Service,
Co-operative Centre Limited,
Thanthoni Block,
Karur, Karur District.
- 5.The President,
Manamelkudi Agro Engineering & Service,
Co-operative Centre Limited,
Manamelkudi Block,
Manamelkudi, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 13.10.2020 seeking for the petitioner's arrears of salary for the period between 01.01.1998 to 31.03.2002, which comes to an



amount of Rs.1,10,064/- together with interest at the rate of 12% from the 3rd and 4th respondents and Rs.13,097/- from the 5th respondent till the same is realization, within the time stipulated by this Court.

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For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.P.Kannithevan for R1 to R3
Additional Government Pleader
Mr.C.Ramesh for R4 & R5
Special 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 pay the petitioner's arrears of salary for the period between 01.01.1998 to 31.03.2002 along with interest, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.10.2020, 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 respondents herein to consider the petitioner's representation dated 13.10.2020, 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 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 respondents to consider the petitioner's representation dated 13.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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(AE)

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// 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 Commissioner of Agriculture,
State of Tamil Nadu
Director / Registrar of Tamil Nadu Agro Engineering & Service,
Co-operative Services,
Chepauk, Chennai - 600 005.
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Co-operative Centre Limited,
Thanthoni Block,
Karur, Karur District.



5.The President,
Manamelkudi Agro Engineering & Service,
Co-operative Centre Limited,
Manamelkudi Block,
Manamelkudi, Pudukottai District.

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-3938[F] dated
09/02/2021)

W.P. (MD) No.1964 of 2021
05.02.2021

NA(CO)
TR(24.02.2021) 4P 7C