



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4904 of 2021

Tamil Nadu Public Distribution Employees Union,
(தமிழ்நாடு பொது விநியோக ஊழியர் சங்கம்)
35/26, Vadanantha Street,
Water Tank Road,
Nagercoil - 1,
Rep. by its General Secretary,
K.Kumari Selvan.

...Petitioner

Vs.

- 1.The Principal Secretary to Government,
Co-operation, Food and Consumer Protection (CA1) Department,
Fort. St. George,
Chennai - 9.
- 2.The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 10.
- 3.The Commissioner,
Civil Supplies and Consumer Protection Department,
Ezhilagam,
IV Floor,
Chepauk,
Chennai - 5.
- 4.The Chairman/Additional Registrar,
Public Distribution Shop Employees Grievance Redressal Committee,
No.181, Luz Church Road,
Mylapore, Chennai - 4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide salary for the Public Distribution System shop employees attached with the co-operative societies on par with the salary of the Public Distribution System (PDS) shop employees under the 3rd respondent.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.P.Mahendran for R1, 2 and 4
Additional Government Pleader
Mr.H.Arumugam for R3
Standing Counsel



O R D E R

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

2. Since the petitioner's request to the respondents to provide salary for the Public Distribution System shop employees attached with the co-operative societies on par with the salary of the Public Distribution System (PDS) shop employees under the 3rd respondent., was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 02.02.2021, 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 02.02.2021, 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 representation dated 02.02.2021, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

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

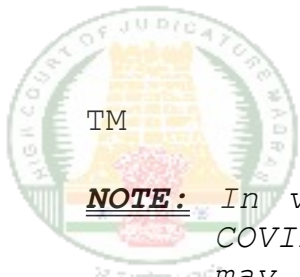
Sd/-

Assistant Registrar (Records)

// 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

- 1.The Principal Secretary to Government,
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Chennai - 9.
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+1 CC to M/s.C.T.PERUMAL, Advocate (SR-9610[F] dated 09/03/2021)

+1 CC to M/s.SPL GP (SR-10133[F] dated 10/03/2021)

W.P. (MD) No.4904 of 2021
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