



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.5673 of 2020

WEB COPY

I.Sundaralingam

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,  
N.N.Natarajan Maaligai,  
NO.170, Periyar EVR High Road,  
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,  
Palayamkottai,  
Tirunelveli.

3.The Deputy Registrar of co-operative Societies,  
Cheranmahadevi,  
Ambasamudram Taluk,  
Tirunelveli District.

4.The President,  
A 507, Panagudi Primary Agricultural Co-operative Society,  
Panagudi,  
Tirunelveli District.

5.The President,  
EE 440,  
Kasthuri Rengapuram Primary Agricultural Co-operative Society,  
Kasthuri Rengapuram,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to settle the entire arrears in payment of gratuity, earned leave salary along with all other monetary benefits apart from re-inducting the petitioner in the 4<sup>th</sup> respondent parent society, A507 Panagudi primary Agricultural Cooperative society by taking into consideration the limited period of service available to the petitioner for his retirement on the basis of the petitioner's representation dated 06.03.2020.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.C.Ramar

Additional Government Pleader

**O R D E R**

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

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



2. Since the petitioner's request to the respondents to settle the entire arrears in payment of gratuity, earned leave salary along with all other monetary benefits apart from re-inducting the petitioner in the 4<sup>th</sup> respondent parent society, A507 Panagudi primary Agricultural Cooperative society by taking into consideration the limited period of service available to the petitioner for his retirement, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.03.2020, 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 fourth respondent herein to consider the petitioner's representation dated 06.03.2020, 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 fourth respondent to consider the petitioner's representation dated 06.03.2020, 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.

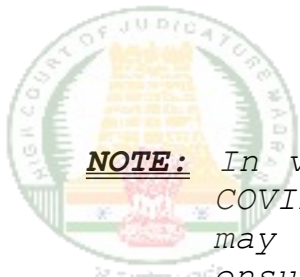
Sd/-

Assistant Registrar (AD II)

// 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 Registrar of Co-operative Societies,  
N.N.Natarajan Maaligai,  
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Kasthuri Rengapuram,  
Tirunelveli District.

+1 CC to M/s.S.SURESH KUMAR, Advocate ( SR-7628[F] dated  
26/02/2021 )

**W.P. (MD) No.5673 of 2020**  
**26.02.2021**

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