



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6602 of 2020

A.C.Thirumoorthy ...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
Poonamallee High Road,
Kilpauk, Chennai - 10.

2.The Managing Director/Joint Registrar,
Tiruchirappalli District Central Co-operative Bank Limited,
Trichy - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to disburse the Subsistence Allowance as per the Rule 22(2) of Tiruchirappalli District Central Co-operative Bank Limited Bye Law based on petitioner's representation, dated 03.03.2020, instead of paying meager subsistence allowance within time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Palaniselvam

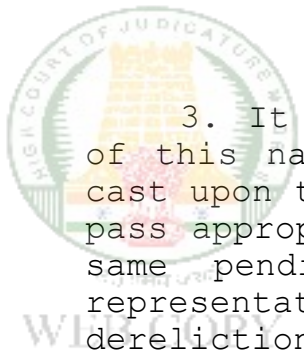
For Respondents : Mr.B.Bhagawathi for R1
Government Advocate

Mr.D.Shanmugaraja Sethupathy for R2
Standing counsel

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned Standing counsel appearing for the second respondent.

2.Since the petitioner's request to the respondents to disburse the Subsistence Allowance as per the Rule 22(2) of Tiruchirappalli District Central Co-operative Bank Limited Bye Law, instead of paying meager subsistence allowance, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 03.03.2020, 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 second respondent herein to consider the petitioner's representation dated 03.03.2020, 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 second respondent to consider the petitioner's representation dated 03.03.2020, on its own merits and pass appropriate orders in accordance with law, within a period of four 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

1. The Registrar of Co-operative Societies,
Poonamallee High Road,
Kilpauk, Chennai - 10.



2.The Managing Director/Joint Registrar,
Tiruchirappalli District Central Co-operative Bank Limited,
Trichy - 2.

+1 CC to M/s.M.PALANISELVAM, Advocate (SR-14163[F] dated 29/03/2021)

+1 CC to M/s.SPL GP (SR-14349[F] dated 30/03/2021)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-14510[F] dated 30/03/2021)

W.P. (MD) No.6602 of 2020
29.03.2021

SDS (24.04.2021) 3P 6C