



WEB COPY

WP(MD) No.6490 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.6490 of 2019

and

W.M.P. (MD) No.5186 of 2019

T.Mathias

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
170, Periyar EVR High Ways,
Kilpauk, Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Thuckalay, Kanyakumari District.

3.The President,
Y-231, Primary Agricultural
Co-operative Society,
Mekamandapam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents forthwith to disburse the petitioners salary from April 2008 to October 2008, and sum of Rs.2,01,439/- (Two Lakhs One Thousand Four Hundred and Thirty Nine only) towards Gratuity from 25.06.1972 to 01.12.1992 i.e., for 19 years.

For Petitioner : Mr.S.Xavier Rajini

For R-1 and R-2 : Mr.P.Mahendran
Additional Government Pleader

For R-3 : Mr.M.Karuppasamy
Government Advocate

O R D E R

Since the petitioner's request to the respondents to disburse the petitioner's salary from April 2008 to October 2008 and a sum of Rs.2,01,439/- (Two Lakhs One Thousand Four Hundred and Thirty Nine only) towards Gratuity from 25.06.1972 to 01.12.1992 were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 17.03.2018, which is still pending.



2. 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.

3. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 17.03.2018, 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.

4. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 17.03.2018, 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.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

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2.The Joint Registrar of Co-operative Societies,
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3.The President,
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+1 CC to M/s.GP (SR-2614[F] dated 01/02/2021)

W.P.(MD) No.6490 of 2019

and

W.M.P.(MD) .No.5186 of 2019

29.01.2021

(PU)CO

AP(11/02/2021) 3P 5C