



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.25433 of 2019

and

W.M.P. (MD) .Nos.14989, 15113 & 15117 of 2020

WEB COPY

Mohanraj

...Petitioner

Vs.

- 1.The Secretary to Government,
Department of Co-operative Societies,
Secretariat,
Chennai - 600 006.
- 2.The Registrar of Co-operative Societies,
EVR High Road,
Kilpauk,
Chennai - 600 006.
- 3.The Deputy Registrar of Co-operative Societies,
Kulithalai,
Karur District.
- 4.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Karur.
- 5.The President,
Vadasery Primary Agricultural Co-operative Society,
Vadasery, Kulithalai Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to promote the petitioner as Junior Assistant from the post of Salesman at Vadasery Primary Agricultural Co-operative and Credit Society, Karur District, in the light of the letter written by the second respondent in Na.Ka.No.52437/12/Tho.Ve.Sa.1, dated 03.08.2012, by considering the petitioner's representation dated 21.05.2013.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.P.Mahendran,
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal.

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2. Since the petitioner's request to the respondents for promotion, in the light of the letter written by the second respondent in Na.Ka.No.52437/12/Tho.Ve.Sa.1, dated 03.08.2012, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 21.05.2013, which is still pending.

3. It is needless to point out that whenever a representation 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 4 & 5 herein to consider the petitioner's representation, 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. Since the petitioner has given his representation wayback in the year 2013, the petitioner is hereby called upon to give a fresh representation along with supporting documents, if any, to the respondents 4 & 5 within a period of two weeks from the date of receipt of a copy of this order. There shall be a direction to the respondents 4 & 5 to consider the said representation, on its own merits and pass appropriate orders in accordance with law, taking into account the letter of the second respondent in Na.Ka.No.52437/12/Tho.Ve.Sa.1, dated 03.08.2012, if it is otherwise applicable to the petitioner, within a period of three months from the date of receipt of the petitioner's representation.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)



- 1.The Secretary to Government,
Department of Co-operative Societies,
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Chennai - 600 006.
- 2.The Registrar of Co-operative Societies,
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- 3.The Deputy Registrar of Co-operative Societies,
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- 4.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Karur.

+1 CC to M/s.SPL GP (SR-12767[F] dated 22/03/2021)

W.P. (MD) No.25433 of 2019
19.03.2021

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