



W.P. No. 15906 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 15906 of 2022

P. Dhanabalan

...Petitioner

Vs.

1. The Registrar,
Registrar of Co-operative Societies,
No. 170, N. V. Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai – 600010.
2. The Joint Registrar,
The Joint Registrar of Co-operative Societies,
Surrampatti,
Erode Region – 638 009.
3. The Deputy Registrar,
The Deputy Registrar of Co-operative Societies,
Surrampatti,
Erode Region – 638 009.
4. The President,
Railway Employees Consumers' Co-Op, Stores Ltd.,
A.A-493, Railway Employees Consumers' Co-Op, Stores,
Railway Colony,
Erode – 638 002.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents to disburse the back wages to be settled to the petitioner's wife for the period of 1989 to 22.11.2006 as per the reinstatement order of the 4th respondent dated 22.11.2006 and to pay the voluntary retirement terminal benefits such as Provident Fund Contribution amount, Gratuity and Earned Leave Surrender Salary of the petitioner's wife based on the representation dated 22.05.2022.

For Petitioner : Mr. D. Veerasekaran

For Respondents : Mr. T. Chezhiyan
Additional Government Pleader
for R1 to R3

ORDER

This writ petition is filed for the issuance of a writ of Mandamus, directing the respondents to disburse the back wages to be settled to the petitioner's wife for the period of 1989 to 22.11.2006 as per the reinstatement order of the 4th respondent dated 22.11.2006 and to pay the voluntary retirement terminal benefits such as Provident Fund Contribution amount, Gratuity and Earned Leave Surrender Salary of the petitioner's wife based on the representation dated 22.05.2022.

2. According to the writ petitioner, his wife was working as Sales Woman in the respondent society and due to some charges levelled against the petitioner's wife, disciplinary proceedings were initiated against her.

Thereafter, the petitioner's wife made a representation dated 06.10.2004 to the



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respondents and the same was not considered by the respondents. Hence, she had filed writ petition before this Court in W.P.No. 38665 of 2006. By order dated 29.12.2004, this Court had directed the respondents to consider the representation of the petitioner. Thereafter, she was discharged from the said enquiry proceedings and reinstatement order was passed by the four respondent on 22.11.2006. Due to her illhealth, she could not continue in service. Therefore, the petitioner's wife gave a petition to the fourth respondent, but it was not considered. On 11.05.2021, the petitioner's wife died. After her death, the petitioner made a detailed representation to the respondents on 22.05.2022, to settle the terminal benefits of the petitioner's wife to the petitioner, as he is the legal heir. The said representation is still pending and no orders have been passed. Hence he has filed the present writ petition before this Court.

3. On a perusal of the records, it is seen that petitioner's wife has made representations on several occasions to the respondents to settle the terminal benefits, but till 2021, the respondents have not considered the said request of the petitioner's wife and therefore the petitioner also made a representation to the respondents to settle all the terminal benefits of the petitioner's wife to the petitioner. The delay in not considering the request made by the petitioner for settling the terminal benefits is not proper on the part of the respondents.



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Therefore, considering the facts as well as relief sought for in the writ petition, this Court is inclined to direct the third respondent to consider the representation of the petitioner dated 22.05.2022 and pass orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petition stands disposed of. No costs.

27.06.2022

Index : Yes / No
Internet : Yes/ No
mrn



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To

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D.KRISHNAKUMAR, J.

(mrn)

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