



WP(MD)No.19444 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2022**

CORAM:

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

W.P.(MD)No.19444 of 2022

D.Jothi Fathima

... Petitioner

/vs./

- 1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Thoothukudi Town & District.
- 2.Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Veerapandianpattinam, Tiruchendur,
Thoothukudi District.
- 3.O-437, Vellalanvilai Primary Agricultural
Co-operative Credit Society,
Vellalanvilai,
Tiruchendur Taluk,
Thoothukudi District,
Represented by the President.
- 4.The Secretary,
O-437, Vellalanvilai Primary Agricultural Co-operative Credit
Society,
Vellalanvilai,
Tiruchendur Taluk,
Thoothukudi District.



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5.The Manager,
LIC Group Schemes (Gratuity) Tirunelveli Divisional Office,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the gratuity amount due to the petitioner together with interest towards her services in the third respondent society in the light of the petitioner's representation dated 27.07.2022 & 08.08.2022 within a time frame to be determined by this Court.

For Petitioner : Mr.N.Dilip Kumar
For R1 to R4 : Mr.P.Thilak Kumar
Government Pleader
Assisted by
Mr.M.Ramesh,
Government Advocate

ORDER

By consent of the learned counsel for the petitioner and the learned Government Pleader, appearing for the respondents 1 to 4, this writ petition is taken up for final disposal.

2.The petitioner herein had given a representation to the respondents on



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27.07.2022 & 08.08.2022 requesting to disburse the gratuity amount due to him together with interest towards her services in the third respondent society. Since the said representations were not considered, the present writ petition has been filed.

3. Since this Court intends to direct the third respondent to consider the representation on its own merits and in accordance with law, notice to the fifth respondent is dispensed with.

4. 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.



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5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 27.07.2022 & 08.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

24.08.2022

Index : Yes / No

Internet : Yes / No

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To

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- 2.Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
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M.S.RAMESH, J.

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Order made in
W.P.(MD) No.19444 of 2022

Dated:
24.08.2022