



W.P.No.6269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6269 of 2023

K.Manohar

...Petitioner

Vs

1.The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R. Periyar High Road,
Kilpaukkam, Chennai - 10.

2.The Joint Registrar,
Co-operative Societies,
Coimbatore Region,
Arokiasamy Street,
KK Pudur, Coimbatore.

3.The Deputy Registrar,
Co-operative Societies,
Coimbatore Circle,
Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to disburse service benefits i.e., Gratuity, Special Provident Fund,



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Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the petitioner by disposing the petitioner's representation dated 20.06.2022 and reminder representation dated 25.08.2022.

For Petitioner : Ms.M.Sharusrimathi

For Respondents : M/s.E.Indhumathi
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representations to the second and third respondents on 20.06.2022 and 25.08.2022, seeking for payment of the service benefits. Since the said representations were not considered, the present writ petition has been filed.

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



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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, there shall be a direction to the respondents herein to consider the petitioner's representations dated 20.06.2022 and 25.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

02.03.2023

Index: Yes/No
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M.S.RAMESH,J.

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To

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