



W.P.No.5394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5394 of 2023

V.Malini

...Petitioner

Vs

- 1.The Registrar of Cooperative Societies [Housing],
Ritherdan Road, Vepery,
Chennai – 600 007.
- 2.The Additional Registrar/
Managing Director,
Tamil Nadu Cooperative
Housing Federation,
Chennai – 600 007.
- 3.The Deputy Registrar of
Cooperative Societies [Housing],
Cuddalore.
- 4.SA HSG 84, Chidambaram Taluk
Cooperative Housing Society Ltd.,
Rep. by its President ,
No.186, Deen Building, West Car Street,
Chidambaram,
Cuddalore District – 608 001.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider and pass orders on the representation dated 20.01.2021 followed by reminder representation dated 22.11.2022 seeking settlement of retiral benefits such as gratuity, encashment of earned leave, EPF arrears of salary with interest at 12% from the date of her retirement till payment of the same.

For Petitioner	: Mr.L.Chandrakumar
For R1 to R3	: M/s.Indhumathi Government Advocate
For R4	: Mr.M.Shajahan Special Government Pleader

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 22.11.2022 seeking retirement benefits such as gratuity, encashment of earned leave and pending salary dues. Since the said representation was not considered, the present writ petition has been filed.



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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 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 first respondent herein to consider the petitioner's representation dated 22.11.2022 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. 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.



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

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Index: Yes/No
Speaking order/Non-speaking order
hvk

To

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M.S.RAMESH,J.

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