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W.P.No.5983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5983 of 2023
and W.M.P.No.5998 of 2023

The Management of S.S. 65, Salem
District Employment & Training Department
Employees Cooperative Thrift &
Credit Society Ltd., Rep. by its Secretary,
Govt. ITI Campus, Salem - 636 007.

...Petitioner

Vs

1.The Deputy Director/Principal,
Govt. Industrial Training Institute (ITI),
ITI Campus, Salem - 636 007.

2.R.Kalavathi

3.Sathiyaprabha

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay a sum of Rs.2,02,397/- with accrued interest from the terminal benefits of the legal representatives of late R.Gobu as per Section 48 of the TNCS Act, 1983 read with Rule 69 of the TNCS Rules, 1988, considering the petitioner's representations dated 19.09.2022 an 23.12.2022.



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For Petitioner : Mr.L.P.Shanmugasundaram

For R1 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

Heard Mr.L.P.Shanmugasundaram, learned counsel for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader for the first respondent.

2. Since this Court is directing the first respondent to dispose of the petitioner's representations, after giving due opportunity to the second and third respondents, notice to the second and third respondents is hereby dispensed with.

3. The petitioner Society had given representations to the first respondent on 19.09.2022 and 23.12.2022, seeking for payment of a sum of Rs.2,02,397/- with accrued interest from the terminal benefits of the legal heirs of late R.Gobu. Since the said representations were not considered, the present writ petition has been filed.



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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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representations dated 19.09.2022 and 23.12.2022, after giving due notice and opportunity to the second and third respondents herein, as per Section 48 of the Tamil Nadu Cooperative Societies Act, 1983, read with Rule 69 of the Tamil Nadu Cooperative Societies Rules, 1988, on its own merits and pass appropriate orders in accordance with law, within a period of two 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



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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 ordered. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2023

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

To

The Deputy Director/Principal,
Govt. Industrial Training Institute (ITI),
ITI Campus, Salem - 636 007.



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M.S.RAMESH,J.

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