



W.P.No.10262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10262 of 2023
and
W.M.P.No.10254 of 2023

G.Palani

...Petitioner

Vs

- 1.Registrar of Co-operative Societies,
No.170, E.Ve.Ra.Highway,
Kilpakkam, Chennai - 10.
- 2.Joint Registrar of Co-operative Society,
District Head Office,
Villupuram - 605 602.
- 3.The Deputy Registrar,
Co-operative Society,
Villupuram,
Villupuram District.
- 4.The President,
Primary Agriculture Co-operative
Bank Ltd.,
CLSPL 165, Katrampakkam,
Vanoor (Tk),
Villupuram District.



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5.The Secretary,
Primary Agriculture Co-operative
Bank Ltd.,
CLSPL 165, Katrampakkam,
Vanoor (Tk), Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to provide duty to the petitioner as Salesman in any of fair price shop belonging to 4th and 5th respondents co-operative society and also direct the respondents herein to pay subsistence allowance to the petitioner for the period from 15.02.2019 to 17.04.2022 and salary from 18.04.2022 to till date in the light of the order passed by the 4th respondent dated 18.04.2022 by considering the representation preferred by the petitioner dated 17.02.2023 to the respondents 1 and 2 herein.

For Petitioner	: Mr.M.Venkadeshnan
For R1 to R3	: Mr.S.Rajesh, Government Advocate
For R4 & R5	: Mr.C.Jayaprakash

ORDER

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



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2. The petitioner herein had given a representation to the first and second respondents on 17.02.2023, requesting to post him as Salesman in any fair price shops belonging to the fourth and fifth respondent Co-operative Societies, together with payment of subsistence allowance. Since the said representation was not considered till date, the petitioner has preferred the present Writ Petition.

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 him 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 the Constitution of the 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 and second respondents herein to consider the petitioner's representation dated 17.02.2023 on its own merits and pass appropriate



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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 made by the petitioner and that it is open to the concerned respondents to consider the same on its own merits.

5. With the above directions, the Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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