



W.P.No.18915 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

**THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

W.P.No.18915 of 2022

E.Murugan

... Petitioner

Vs.

1.The Assistant Commissioner of Labour (Enforcement),  
18/06, Sevatha Gounder Street,  
Krishnagiri - 635 001.

2.The Management of S.527, Kelamangalam  
Agricultural Producers Co-op Marketing Society Ltd.,  
Rep. by its Managing Director,  
Kelamangalam, Denkanikottai Taluk,  
Krishnagiri District - 635 113.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and pass appropriate orders on the application dated 18.09.2020 made by the petitioner herein within stipulated time period as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.T.Sundaravadanam  
For R1 : Mr.D.Gopal  
Government Advocate

**ORDER**

The present writ petition is filed to direct the first respondent to consider the petitioner's application dated 18.09.2020 within a stipulated time.

2.The writ petitioner was appointed as Technical Supervisor/Computer Operator (Typist) in the second respondent Agricultural Producers Co-operative Marketing Society Limited on 25.10.2010 by the then Special Officer on consolidated salary of Rs.3,600/- per month. The required educational qualification was 12<sup>th</sup> Standard pass. The writ petitioner is working in the Head Office of the second respondent society and subsequently his salary was enhanced to Rs.11,000/- per month. According to the petitioner, he is aggrieved as he has not been paid salary on par with other employees



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who are discharging similar nature of work. In this regard, he requested the second respondent society to regularize his services as he is working for the past 11 years and 8 months. According to the petitioner, he is eligible to be regularized as per G.O.Ms.86, Co-operative Food, Consumer Protection Department dated 12.03.2001 as he has completed 480 days of continuous work. Despite the same, his services has not been regularized by the second respondent society. He also submitted a representation dated 18.09.2020 to the first respondent which has not been considered till date.

3.Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mr.D.Gopal, learned Government Advocate for the first respondent.

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 Statutory Authority to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same



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pending indefinitely. Therefore, this Court is justified in invoking its extraordinary powers under Article 226 of Constitution of India and directing the first respondent to consider the representation of the petitioner within a stipulated time. In the instant case, the writ petitioner had sought for regularization of service as he has completed 480 days of continuous service. Hence, the first respondent is directed to consider the representation submitted by the petitioner dated 18.09.2020 within a period of twelve weeks from the date of receipt of a copy of this order on merits and in accordance with law.

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

**05.10.2023**

**(1/2)**

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mtl



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To

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**R. HEMALATHA, J.**  
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