



W.P.No.29454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29454 of 2023

K.Madhumalar

...Petitioner

Vs

1. The Join Registrar of Cooperative Societies,
Erode Region, Erode,
Erode District.
2. The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Gobichettipalayam, Erode District.
3. The Administrator,
A.A.508, Singampettai primary
Agricultural Co-operative Credit Society,
Singampettai Village and post,
Bhavani Taluk, Erode District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner on compassionate appointment in the 3rd respondent society or any other society by taking note of order passed in WP No.4571 of 2023 dated 08.06.2023.



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For Petitioner : Mrs.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.P.Ganesan
Government Advocate for R1 and R2
Mrs.P.Raja Rajeswari
Government Advocate for R3

ORDER

Heard Mrs.R.Hemalatha, learned counsel for the petitioner and Mr.P.Ganesan, learned Government Advocate for respondents 1 and 2 and Mrs.P.Raja Rajeswari, learned Government Advocate for 3rd respondent.

2. In view of the order to be passed in this writ petition, no prejudice would be caused to the respondents 1 to 3. Hence, notice to the respondents 2 to 3 is dispensed with.

3. The petitioner herein had made an application to the respondents on 14.03.2022 seeking for compassionate appointment due to the death of his father, who worked as a Salesman in the 3rd respondent



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society. Since the said representation was not considered, the present writ petition has been filed.

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 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.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's application dated 14.03.2022 on its own merits and pass appropriate orders in accordance with law, in the light of order passed in WP No.4571 of 2023, within a period of three months 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



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with regard to the merits of the claim made by 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 disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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