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W.P.No.30848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30848 of 2023

Tamil Nadu Govt. Ration Shop Employees Union,
Rep. by its President G. Rajendran,
Head Office: No.1, Annadurai Street,
Anakaputhur, Chennai – 600 070.

... Petitioner

Vs.

- 1.The State Government,
Rep. by its Secretary,
Dept. of Co-operation, Food and Consumer Protection,
St. George Fort, Secretariat,
Chennai – 600 009.
- 2.The Registrar of Co-operative Societies,
EVR Maaligai, Kilpauk,
Chennai – 600 010.
- 3.The Additional Registrar of Co-operative Societies,
Chennai Zone,
No.91, St. Mary's Road, Abhiramapuram,
Chennai – 600 018.
- 4.The Joint Registrar of Co-operative Societies,
Ariyalur District, Ariyalur.
- 5.The Joint Registrar of Co-operative Societies,
Chengalpattu District, Chengalpattu.



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6. The Joint Registrar of Co-operative Societies,
Coimbatore District,
Coimbatore.
7. The Joint Registrar of Co-operative Societies,
Cuddalore District,
Cuddalore.
8. The Joint Registrar of Co-operative Societies,
Dharmapuri District,
Dharmapuri.
9. The Joint Registrar of Co-operative Societies,
Dindigul District,
Dindigul.
10. The Joint Registrar of Co-operative Societies,
Erode District,
Erode.
11. The Joint Registrar of Co-operative Societies,
Kallakurichi District,
Kallakurichi.
12. The Joint Registrar of Co-operative Societies,
Kancheepuram District,
Kancheepuram.
13. The Joint Registrar of Co-operative Societies,
Kanyakumari District,
Kanyakumari.
14. The Joint Registrar of Co-operative Societies,
Karur District,
Karur.



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15. The Joint Registrar of Co-operative Societies,
Krishnagiri District,
Krishnagiri.
16. The Joint Registrar of Co-operative Societies,
Madurai District,
Madurai.
17. The Joint Registrar of Co-operative Societies,
Mayiladuthurai District,
Mayiladuthurai.
18. The Joint Registrar of Co-operative Societies,
Nagapattinam District,
Nagapattinam.
19. The Joint Registrar of Co-operative Societies,
Namakkal District,
Namakkal.
20. The Joint Registrar of Co-operative Societies,
Nilgiri District,
Nilgiri.
21. The Joint Registrar of Co-operative Societies,
Perambalur District,
Perambalur.
22. The Joint Registrar of Co-operative Societies,
Pudukottai District,
Pudukottai.
23. The Joint Registrar of Co-operative Societies,
Ramanathapuram District,
Ramanathapuram.



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24. The Joint Registrar of Co-operative Societies,
Ranipet District,
Ranipet.
25. The Joint Registrar of Co-operative Societies,
Salem District,
Salem.
26. The Joint Registrar of Co-operative Societies,
Sivagangai District,
Sivagangai.
27. The Joint Registrar of Co-operative Societies,
Tenkasi District,
Tenkasi.
28. The Joint Registrar of Co-operative Societies,
Thanjavur District,
Thanjavur.
29. The Joint Registrar of Co-operative Societies,
Theni District,
Theni.
30. The Joint Registrar of Co-operative Societies,
Tirupathur District,
Tirupathur.
31. The Joint Registrar of Co-operative Societies,
Thiruvallur District,
Thiruvallur.
32. The Joint Registrar of Co-operative Societies,
Thiruvannamalai District,
Thiruvannamalai.



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33.The Joint Registrar of Co-operative Societies,
Thiruvavarur District,
Thiruvavarur.

34.The Joint Registrar of Co-operative Societies,
Thoothukudi District,
Thoothukudi.

35.The Joint Registrar of Co-operative Societies,
Tirunelveli District,
Tirunelveli.

36.The Joint Registrar of Co-operative Societies,
Thiruppur District,
Thiruppur.

37.The Joint Registrar of Co-operative Societies,
Trichy District,
Trichy.

38.The Joint Registrar of Co-operative Societies,
Vellore District,
Vellore.

39.The Joint Registrar of Co-operative Societies,
Villupuram District,
Villupuram.

40.The Joint Registrar of Co-operative Societies,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to dispose petitioner's union representation dated 19.04.2023 and implement Ex-gratia



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Pension Regulatory Rules, 2021, for employees of Primary Agricultural Co-operative Credit Societies, Urban Co-operative Credit Societies and Large Area Multipurpose Co-operative Societies and pay pension to the retired employees as per the aforesaid rules.

For Petitioner : M/s.S. Pushpakaran

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

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

2. The petitioner's Union herein has given a representation to the second respondent on 19.04.2023, requesting for implementation of Ex-gratia Pension Regulatory Rules, 2021, for employees of Primary Agricultural Co-operative Credit Societies, Urban Co-operative Societies and Large Area Multipurpose Co-operative Societies and pay the Ex-gratia pension to the employees. Since the said representation has not been considered till date, 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 them 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 second respondent herein, to consider the petitioner's representation dated 19.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) 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 with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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

31.10.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

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