



W.P.No.32027 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32027 of 2023

M. Ganesan

... Petitioner

Vs.

1.The Registrar of Cooperative Societies,
170, N.V.N. Maaligai,
Kilpauk, Chennai – 10.

2.The Joint Registrar of Cooperative Society,
Dharmapuri Region.

3.The Deputy Registrar of Cooperative Society,
Dharmapuri Circle.

4.The President/Administrator,
S.522, Thottarthana Halli Primary
Agricultural Cooperative Credit Society,
Palacode Taluk,
Dharmapuri District – 636 808.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to disburse the payment of retirement benefits and consequently to settle all the retirement benefits



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including service benefits namely, death cum retirement gratuity, provident fund, special provident fund, commutation of pension, encashment of leave, pension arrears and other benefits to the petitioner with 16% interest for the delayed payment of retirement benefits all consequential service and monetary benefits.

For Petitioner : Mr.A. Hariv Asagam

For Respondents : Mr.M. Alagu Gowtham,
Government Advocate [R1 to R3]

Mr.S. Jayachandran,
Government Advocate [R4]

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 herein has given a representation to the respondents on 09.06.2023, seeking for settlement of his retirement benefits. 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 respondents herein, to consider the petitioner's representation dated 09.06.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 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.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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