



WEB COPY



W.P.No.31774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31774 of 2023

S.Velappan

... Petitioner

Vs.

The Joint Registrar of Co-operative Societies,
Erode Region, Erode.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to forthwith pay the encashment of earned leave, unearned leave on private affairs, special provident fund and general provident fund with interest at the rate of 12% per annum for the delayed payment.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.V.Manoharan,
Additional Government Pleader



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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 had given a representation to the respondent on 03.10.2023 seeking for payment of his retirement benefits. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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 the 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



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the respondent herein to consider the petitioner's representation dated 03.10.2023, on its 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 made by the petitioner and that it is open to the respondent to consider the same on its own merits.

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

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To

The Joint Registrar of Co-operative Societies,
Erode Region, Erode.



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M.S.RAMESH,J.

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