



WEB COPY



W.P.No.32187 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.32187 of 2023

M. Thavamani

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority,
Thiruvannamalai Region,
Thiruvannamalai District.
- 2.The Deputy Registrar of Co-operative Societies,
Thiruvannamalai District.
- 3.The Management of H.H.495,
Periyakolapadi Primary Agricultural
Cooperative Credit Society,
Rep. by its Administrator/Secretary,
Periyakolapadi & Post,
Chengam Circle,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay petitioner's retirement benefits namely Gratuity of Rs.15,30,992.00/-, Leave encashment of Rs.5,53,944.00/- and Salary due from 07.09.2020 to 12.03.2020 of Rs.3,28,657/- with interest 10% Rs.2,26,812/- and a total



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amount of Rs.26,40,405/- with 10% statutory interest from the date of retirement i.e. 30.11.2022 till the payment is made within stipulated time fixed by this Court.

For Petitioner : Mr.L.P. Shanmugasundaram

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader [R1 & R2]
Ms.R.L. Karthika,
Government Advocate [R3]

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 several representations to the respondents and his last representation is on 02.11.2023 to the respondents, seeking for settlement of his retirement benefits. Since the said representations have 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



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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 02.11.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

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

09.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority,
Thiruvannamalai Region,
Thiruvannamalai District.
- 2.The Deputy Registrar of Co-operative Societies,
Thiruvannamalai District.
- 3.The Administrator/Secretary,
Management of H.H.495,
Periyakolapadi Primary Agricultural
Cooperative Credit Society,
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