



W.P.No.34765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34765 of 2023
and W.M.P.No.34742 of 2023

N.Manivanan

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.

2.The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore.

3.The Deputy Registrar of Co-operative Societies,
Cuddalore Circle,
Cuddalore.

4.E2024, Kurinjipaid Primary Agricultural
Co-operative Credit Society,
Rep. by its Administrator / President,
Kurinjipadi,
Cuddalore 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



W.P.No.34765 of 2023

pay the petitioner's retirement benefits viz. gratuity of Rs.9,92,088/-, provident fund of Rs.25,71,631/-, earned leave salary of Rs.4,18,096/-, and security deposit of Rs.5,000/- totally Rs.39,86,815/- with statutory interest at the rate of 15% from the date of retirement till the date of payment as per sections 78 and 79 of the Tamil Nadu Co-operative Societies Act and in the light of the decision reported in '2015 6 MLJ 684'.

For Petitioner : Mr.M.S.Palaniswamy

For R1 to R3 : Mr.M.Bindran
Additional Government Pleader

For R4 : Mr.G.Rasava Nayasam
Government Advocate

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 first, second and third respondents on 02.11.2023, seeking to pay his retirement benefits along with interest. Since the said representation has not been considered till date, the present Writ Petition has been filed.



W.P.No.34765 of 2023

WEB COPY

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 first, second and third 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 eight (8) weeks 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.



W.P.No.34765 of 2023

M.S.RAMESH,J.

Sni

5. With the above direction, the Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

15.12.2023

Index:Yes/No

Speaking order/Non-speaking order

Sni

To

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.
- 2.The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore.
- 3.The Deputy Registrar of Co-operative Societies,
Cuddalore Circle, Cuddalore.
- 4.The Administrator/President,
E2024, Kurinjipaid Primary Agricultural
Co-operative Credit Society,
Kurinjipadi, Cuddalore District.

W.P.No.34765 of 2023