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W.P.No.34759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34759 of 2023

B.Aruna

W/o.Late U.Balu

...Petitioner

Vs

- 1.The Joint Registrar of Cooperative Societies
Mayiladuthurai Region, Mayiladuthurai,
Mayiladuthurai District.
(Previously the Joint Registrar of Cooperative
Societies, Nagapattinam Region, Nagapattinam)
- 2.The Deputy Registrar of Cooperative Societies,
Mayiladuthurai Circle,
Deen Plaza Complex, Mayiladuthurai,
Mayiladuthurai District.
- 3.The Administrator,
ZB.66, Nemmeli Primary Agricultural Cooperative
Credit Society,
Nemmeli Post, Sirkazhi Taluk,
Mayiladuthurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the petitioner's husband's death cum retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned



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Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader [R1 & R2]
Mr.K.Tippusultan
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. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.V.Yamuna Devi, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Mr.K.Tippusultan, learned Government Advocate, who accepts notice on behalf of third respondent.

3. The petitioner herein had given a representation to the respondents on 07.01.2021 seeking for disbursement of death cum retirement benefits like Gratuity, General Provident Fund, Special



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Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave of petitioner's husband to the petitioner. Since the said representation was not considered by the respondents, the present writ petition has been filed.

4. 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 the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 07.01.2021, on its own merits and pass appropriate orders in accordance with law within a period of eight 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



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views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs. Consequently, the connected miscellaneous petition is closed.

14.12.2023

Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

gpa

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