



W.P.(MD).No.21959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21959 of 2023

Arumugam

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar
of Co-operative Societies,
Pattukottai,
Thanjavur District.

2.The President,
T 1162 Mela Ulur Primary Agricultural
Co-operative Credit and Thrift Society Ltd.,
Mela Ulur,
Orathanadu Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 15.06.2023 and settle the retirement benefits payable to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 15.06.2023 and settle the retirement benefits payable to the petitioner within the time stipulated by this Court.

2. The petitioner was appointed as a Clerk in the 2nd respondent Society on 01.10.1987. Thereafter, he was promoted to various posts within the Society and finally, he was working as a Secretary of the said Society. While so, he attained the age of superannuation on 30.06.2017. The terminal benefits are not released so far. However, pendency of surcharge proceedings is not a bar for releasing the terminal benefits. The petitioner has made a representation on 15.06.2023 seeking to disburse his terminal benefits. Since the same was not considered, this writ petition came to be 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 the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. It is made clear that without going into the merits of this case, this Court directs the respondents to consider the representation of the petitioner, dated 15.06.2023 and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar
of Co-operative Societies,
Pattukottai, Thanjavur District.



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L.VICTORIA GOWRI, J.

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2.The President,
T 1162 Mela Ulur Primary Agricultural
Co-operative Credit and Thrift Society Ltd.,
Mela Ulur,
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