



W.P.(MD).No.23650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23650 of 2023

K.Selvin Sundaranayagam

... Petitioner

Vs.

**1.The Registrar,
Co-operative Housing Societies,
II Floor, No.48, Rithardan Salai,
Vepperi, Chennai.**

**2.The Deputy Registrar (Housing),
No.71-B, Thiruchendur Road,
Opposite to Police Quarters,
West side of Ananda Store,
Tirunelveli District-2.**

**3.Tamil Nadu State Transport Corporation
Employees Co-operative Housing Society Limited,
No.TNV/HSG 49,
Ranithottam,
Nagercoil-629 001,
Now Administered by Liquidator.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose of the appeal petition filed by the petitioner, dated 17.09.2019.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the second respondent to dispose of the appeal petition filed by the petitioner, dated 17.09.2019.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as a Clerk in the third respondent Society on 13.03.1995 and he was sponsored through employment exchange. He joined duty on 15.03.1995. While so, the third respondent did not disburse salary from the month of February, 2010 to him as well as the other members of the Society, the petitioner repeatedly approached the respondents to pay him salary and the same was not considered. Since the petitioner kept on insisting for the same, he was prevented from attending his duty and signing the attendance



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register from 22.08.2014. Hence, the petitioner filed a writ petition in W.P(MD)No.17468 of 2014 for directing the respondents to disburse the salary to him and allow him to continue to do duty as Manager in the Society. The said writ petition came to be disposed of directing the petitioner to approach the higher authority under the relevant act. In view of the same, the petitioner made an appeal before the second respondent and on that basis, an order came to be passed, observing that the petitioner had been deemed to have resigned from the post in view of his un-authorised absence. Challenging the same, the petitioner filed a writ petition in W.P(MD)No.4912 of 2015. This writ petition also came to be disposed of in similar lines and on 27.09.2017, the petitioner in terms of the orders passed by this Court in W.P(MD)No.4912 of 2015, made an appeal before the second respondent and the same is still pending. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever an appeal of this nature is made to a Statutory Authority, there is a duty cast upon the respondents 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 appeal by the Statutory Authority would amount to



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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.

5. Considering the limited scope of the relief sought for by the writ petitioner, this Court hereby direct the second respondent to dispose of the appeal filed by the petitioner on 17.09.2019 on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

6. This writ petition stands allowed, accordingly. There shall be no order as to costs.

27.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

BTR

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