



W.P.(MD).No.353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.353 of 2024

B.Sethuraja

... Petitioner

Vs.

1.The Secretary to Government,
Co-operation Food and Consumer
Protection Department,
Secretariat, Chennai-600 009.

2.The Registrar of Co-operative Societies,
170, EVR Periyar Road,
Kilpauk, Chennai-600 010.

3.The Deputy Registrar of Co-operative Societies,
Opposite to Government Women Arts College,
Sivagangai-630 561.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent i.e., the Secretary to Government, Co-operation, Food and Consumer Protection department, Chennai to pass appropriate orders on the petitioner's representation, dated 20.06.2023 regarding notional fixation of Selection Grade and Special grade and re-fixation of pension in the cadre of Junior Cooperative Inspector, within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 1st respondent i.e., the Secretary to Government, Co-operation, Food and Consumer Protection department, Chennai to pass appropriate orders on the petitioner's representation, dated 20.06.2023 regarding notional fixation of Selection Grade and Special grade and refixation of pension in the cadre of Junior Cooperative Inspector, within a specified time frame that may be fixed by this Court.

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 lastly working as Junior Inspector of Co-operative Societies under the control of Deputy Registrar of Co-operative Societies, Sivagangai. On attaining the age of superannuation, he was allowed to retire on



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31.08.2015. He was originally appointed on 18.03.1982 as Junior Inspector.

Thereafter, he was ousted from service for want of vacancy with effect from 28.01.1983. Further, he was reappointed as Junior Co-operative Inspector in the office of the Deputy Registrar of Co-operative Societies, Mayiladuthurai, Thanjavur District. Again, he was ousted for want of vacancy with effect from 09.10.1990. However, vide proceedings of Registrar of Co-operative Societies, Chennai, dated 31.05.2013, the petitioner was reappointed as Junior Co-operative Inspector in the office of the Deputy Registrar of Co-operative Societies, Sivagangai wherein he joined duty on 11.09.2013. However, his services were not regularized till the date of his superannuation. Hence, the petitioner and 15 others have filed W.P.No.15439 of 2014 seeking regularization. In terms of the order passed by this Court in the said writ petition on 21.09.2017, it was informed that the petitioner's service in the cadre Junior Co-operative Inspector was already regularized with effect from 16.10.1989 vide proceedings, dated 10.05.2019 of the Registrar of Co-operative Societies, Chennai. He was also sanctioned with pension in the cadre of Junior Co-operative Inspector as per the orders of the Accountant General (A&E), dated 17.09.2020. As per the petitioner's regularization of service with effect from 16.10.1989, the notional fixation of selection grade with effect from



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16.10.1999 and notional fixation of special grade with effect from 16.10.1999 has to be ordered and consequently, re-fixation of pension has also to be ordered. For which, the petitioner presented a representation on 20.06.2023. The same was not considered.

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 the respondent 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 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.

5. In view of the same, without going into the merits of the case, this Court hereby direct the 1st respondent to consider the representation of the petitioner, dated 20.06.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.



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6. With the above said observations, this Writ Petition stands disposed of. No costs.

09.01.2024

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

- 1.The Secretary to Government,
Co-operation Food and Consumer
Protection Department,
Secretariat, Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
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L.VICTORIA GOWRI, J.

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