



W.P.(MD).No.462 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.462 of 2024

S.Natarajan

... Petitioner

Vs.

1.The Joint Registrar of Co-operatives,
Dindigul Region,
Dindigul District.

2.The Administrator,
D.D.502, Pandiyan Nagar Co-operative Store Limited,
Dindigul.

... 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 to dispose the petitioner revision petition, dated 23.08.2023 in Revision No. 3979/2023/Sa.Pa within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate



W.P.(MD).No.462 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to dispose the petitioner revision petition, dated 23.08.2023 in Revision No. 3979/2023/Sa.Pa within time stipulated 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 appointed as Salesman under the 2nd respondent store on 19.09.1984. His service was regularized on 20.08.2007 and was working for the past 30 years. He was given incharge as Secretary on 30.04.2014 and thereafter, promoted as Clerk on 16.03.2016. The seniority list was published by the 2nd respondent, in which the petitioner's name was placed in Serial No.1 in the cadre of Clerk. However, new board had promoted one Gandhi Suresh as Clerk and the said promotion was cancelled subsequently and thereafter, one Devagi was promoted as Clerk. Negating the fact that the petitioner is the senior most person, his juniors were appointed as Saleman on 27.07.2010, despite the fact that the petitioner was appointed as Salesman as



W.P.(MD).No.462 of 2024

early as on 19.09.1984 without considering his seniority. Hence, the petitioner made a revision before the 1st respondent on 23.08.2023 under Section 153 of Tamil Nadu Co-operative Societies Act, 1983 and the same was taken on the file of the 1st respondent in Revision No.3979/2023/Sa.Pa. However, the 1st respondent did not take any action on the said revision.

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. Without going into the merits of the case, this Court hereby direct the 1st respondent to dispose off the petitioner's revision, dated 23.08.2023 within a period of eight (8) weeks from the date of receipt of copy of this order.



W.P.(MD).No.462 of 2024

WEB COPY

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
gbg

To

- 1.The Joint Registrar of Co-operatives,
Dindigul Region,
Dindigul District.
- 2.The Administrator,
D.D.502, Pandiyan Nagar Co-operative Store Limited,
Dindigul.



WEB COPY



W.P.(MD).No.462 of 2024

L.VICTORIA GOWRI, J.

gbg

W.P(MD)No.462 of 2024

09.01.2024