



W.P(MD)No.567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.567 of 2024

S.Lenin Santhanam

... Petitioner

Vs.

**1.Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR Highroad,
Poonamallee Highroad,
Kilpauk, Chennai-600 010.**

**2.Joint Registrar of Co-operative Societies,
Ground Floor,
Thiruparamkundram Road,
Palanganatham, Madurai-3.**

... 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 of the appeal filed by the petitioner dated 23.08.2021 Under rule 19 and 22 of Tamil Nadu Civil Services (discipline and appeal rules) as against the order passed by the 2nd respondent in his proceedings in Na.Ka.No.3295/2017 Patho, dated 30.06.2021 within a stipulated time frame fixed by this Court.

For Petitioner : Mr.S.Karthick Ramkumar

**For Respondents : Mr.S.Shaji Bino
Special Government Pleader**



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ORDER

The present writ petition has been filed seeking direction to the 1st respondent to dispose of the appeal filed by the petitioner dated 23.08.2021 Under rule 19 and 22 of Tamil Nadu Civil Services (discipline and appeal rules) as against the order passed by the 2nd respondent in his proceedings in Na.Ka.No.3295/2017 Patho, dated 30.06.2021 within a stipulated time frame 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 appointed as Junior Inspector of Co-operative Societies on 30.08.1976 and thereafter, he was promoted to the post of Senior Inspector of Co-operative Societies in the year 1999. A charge memo was issued by Deputy Registrar of Co-operative Societies, Madurai vide proceedings, dated 02.02.2018 as against the petitioner. The major charge as against the petitioner is that he had purchased immovable properties disproportionate to his known source of income and the value of the immovable



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property were to a tune of Rs.5,65,075/-. The petitioner gave his explanation on 09.05.2018. Subsequently, an Enquiry Officer was appointed and enquiry was conducted. Thereafter, order dated 30.06.2021 came to be passed concluding that all the charges levelled against the petitioner has been proved and he was awarded with a punishment of dismissal from service with effect from 30.06.2021. Aggrieved over the said order passed by the 2nd respondent, the petitioner had preferred an appeal before the 1st respondent vide appeal, dated 23.08.2021. The same is not disposed off. Hence, the petitioner made a representation on 12.04.2023 to the 1st respondent seeking to dispose off his appeal. Despite reminders dated 02.08.2023 and 30.10.2023, so far the 1st respondent has not passed any orders on the appeal filed by the petitioner, dated 23.08.2021. Hence, this writ petition came to be passed.

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



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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 appeal preferred by the petitioner, dated 23.08.2021 in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observation, this writ petition stands disposed of.

No costs.

11.01.2024

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

1.Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
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Kilpauk, Chennai-600 010.



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2.Joint Registrar of Co-operative Societies,
Ground Floor,
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L.VICTORIA GOWRI, J.

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