



W.P(MD)No.837 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.837 of 2024

A.Govindhan

... Petitioner

Vs.

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Society,
Composite Complex,
No.48, Rithortan Road,
Veperi, Chennai-600 007.

2.The Deputy Registrar (Housing),
No.3 T.T.Salai,
Mani Nagaram,
Virudhunagar Region,
Virudhunagar.

3.The President,
A1321 Karaikudi Co-operative House Building Society Ltd.,
No.20, Sanmugaraja Road, T.T.Nager,
Karaikudi.

... 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 forthwith pay the salary to the petitioner to the tune of Rs.33,45,891/- for the period from October 2013 to up to 2023 in the post of clerk / Secretary - in charge in the 3rd respondent society.



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For Petitioner : Mr.G.Thiruvavutselvan

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

ORDER

The present writ petition has been filed seeking direction to the respondents to forthwith pay the salary to the petitioner to the tune of Rs. 33,45,891/- for the period from October 2013 to up to 2023 in the post of clerk / Secretary - in charge in the 3rd respondent society.

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 Clerk in the 3rd respondent Society on 19.12.2000. The 1st respondent had sent recommendations for the appointment of 2 posts, namely one Clerk and another Salesman cum Clerk in a consolidated wages of Rs.700/- through employment exchange. Pursuant to the said permission sanctioning of 2 posts to the 3rd respondent society, a list was called for from the employment exchange on 09.07.1999 including the name of the petitioner. Thereafter, the petitioner was called for an interview for the post



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of Clerk in the 3rd respondent Society on 22.07.1999. Following which, the petitioner was selected as a Clerk vide proceedings of the 3rd respondent Society, dated 19.12.2000 on a consolidated pay of Rs.700/-. The petitioner was required to pay a sum of Rs.1000/- as security deposit. Vide proceedings, dated 19.05.2001, the 3rd respondent society made the post of the petitioner permanent under 'C' category and his salary was also fixed @ Rs.1350-50 / 5 – 1400 – 60 / 5 – 1700 – 70 / 5 – 2050 – 80 / 5 – 2450 – 90 / 4 -2810 with effect from 19.05.2021. Thereafter, his salary was also increased from 01.01.2001. The petitioner has been continuously working in the 3rd respondent society without any interference and his salary was paid continuously till 2013. However, from August 2013 till date, the petitioner has not been paid with salary. Hence, the petitioner made a representation on 10.11.2022. Since the same was not considered, this writ petition came to be filed.

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 respondents to consider the representation of the petitioner, dated 10.11.2022 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.

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

18.01.2024

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

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To

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L.VICTORIA GOWRI, J.

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