



W.P.(MD).No.934 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.934 of 2024

M.Raju

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Palanganatham, Madurai.
2. The Deputy Registrar of Co-operative Societies,
Usilampatti Circle, Office at Thirumangalam,
Jawahar Nagar, Pudu Nagar, Rajaram Street,
Thirumangalam Taluk,
Madurai District.
3. The Special Officer,
MD SPL 20, Uthappanaickanur Primary Agricultural
Co-Operative Credit Society,
Uthappanaickanur, Usilampatti Taluk,
Madurai District.

... 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 dispose the petitioner revision petition in Rev. Pet.No. 007/2022 in Na.Ka.No. 3509/2022/Sa.Pa and to pass final order within the stipulated time frame fixed by this Court.



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For Petitioner : Mr. S.Sivaprakash
For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The present writ petition has been filed seeking for a mandamus, directing the respondents to dispose of the petitioner's revision petition in Rev. Pet.No. 007/2022 in Na.Ka.No. 3509/2022/Sa.Pa and to pass final order within the stipulated time fixed by this Court.

2.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

3.(i).The petitioner was appointed as Secretary in the 3rd respondent Society and after rendering 33 years of service, he retired on 31.05.2016 on attaining the age of superannuation. While in service, he was suspended by the order of the third respondent and consequently, he was dismissed from service on 28.03.2016 for certain irregularities. Challenging the same, the petitioner preferred an appeal before the first respondent, wherein, the first respondent was pleased to set aside the dismissal order, on



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hearing both sides and on considering the evidence and documents. In the meanwhile, the petitioner attained his age of superannuation on 31.05.2016, following which, on 23.02.2018 the third respondent passed a resolution, by which, he was retired from service.

(ii).On the basis of the said resolution, the petitioner is entitled to get terminal benefits for his service period of 33 years and to get back wages for the period from 01.11.2014 to 31.05.2016. Thereafter, the third respondent passed a resolution, dated 23.02.2018 for sanction of Rs.15,73,719/- towards terminal benefits. Though the third respondent has sanctioned a sum of Rs. 15,73,719/- and given a receipt, dated 03.04.2018, the same was not provided to the petitioner. The accumulated total terminal benefit is Rs.18.95.833/-.

(iii).In this regard, the petitioner submitted his representations on 12.07.2018 and 10.06.2019 before the third respondent to settle his terminal benefits. Since the same were not acted upon, he submitted a representation finally on 03.12.2020 through registered post to the third respondent by marking copies to the first and second respondents.

(iv).Thereafter, the petitioner filed a writ petition in W.P(MD)No. 19623 of 2020 before this Court and the same was allowed vide order, dated 23.12.2020. The Ex-President of the Society, after conducting enquiry along



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with the audited Society accounts, passed an order on 29.01.2021 stating that out of the total terminal benefits of Rs.18,59,253/-, Rs.8,01,336/- has been deducted and the balance amount Rs.10,57,917/- is payable to the petitioner as on 29.01.2021. However, the said balance amount is also not yet settled. Challenging the order of the Ex-President, the petitioner preferred a revision petition before the first respondent and the same is pending endlessly without any progress. Therefore, the petitioner submitted his representation before the first and second respondents on 09.01.2024 to dispose of the revision petition and the same was not considered. Hence, this writ petition came to be filed.

4.The learned Government Advocate appearing for the respondents on instructions, submitted that the amount, which has been arrived by the Ex-President is subject to lot of audit objections, which was conducted by the Department. In case of removal of discrepancy by the petitioner, as sought by the Audit, the respondents will not have any difficulty in disposing of the revision petition preferred by the petitioner.

5.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



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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 representation by the Statutory Authority would amount to 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.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to dispose of the revision petition and pass appropriate order in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.Accordingly, this petition stands disposed of. There shall be no order as to costs.

15.02.2024

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



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To

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L.VICTORIA GOWRI, J.

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ORDER IN
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