



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

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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

S.Krishnamoorthi

... Petitioner

Vs

1. The Joint Registrar of Co-Operative Societies,
(District Collector Office Backside),
Thiruvarur-610 001, Thanjavur District.
2. The Cooperative Sub Registrar / Regional Officer,
Thanjavur Cooperative Marketing Federation,
Thiruvarur-610 001, Thanjavur 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 1st respondent i.e the Joint Registrar of Cooperative Societies, Thiruvarur to pass appropriate orders on the petitioner's appeal, dated 24.08.2010 and his further representation, dated 05.05.2023 based on the dropping of surcharge proceedings and acquittal in the criminal case, within a specified time limit fixed by this Court.

For Petitioner : Mr. S Visvalingam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent i.e the Joint Registrar of Cooperative Societies, Thiruvarur to pass appropriate orders on the petitioner's appeal, dated 24.08.2010 and his further representation, dated 05.05.2023 based on the dropping of surcharge proceedings and acquittal in the criminal case, within a specified time limit fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner lastly served as Senior Assistant in the office of the Co-operative Sub Registrar/Regional Officer, Thanjavur Co-operative Marketing Federation, Thiruvarur, Thanjavur District and he was permitted to



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retire on attaining the age of superannuation on 30.06.2028, subject to the result of surcharge proceedings and disciplinary action initiated against him. During the pendency of surcharge proceedings, the first respondent has dismissed the petitioner from service vide proceedings, dated 22.04.2010.

(ii).Challenging the same, the petitioner has preferred an appeal on 24.08.2010 before the first respondent. After dropping of surcharge proceedings and acquittal in criminal case, he has made another representation on 05.05.2023 to the first respondent. However, neither the appeal was disposed nor his representation was considered. Hence, this writ petition came to be filed.

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 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.



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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 appeal, dated 24.08.2010 by considering the representation of the petitioner, dated 05.05.2023, within a period of sixteen (16) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

01.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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(District Collectorate Office Backside),
Thiruvarur-610 001, Thanjavur District.
2. The Cooperative Sub Registrar / Regional Officer,
Thanjavur Cooperative Marketing Federation,
Thiruvarur-610 001, Thanjavur District.

L.VICTORIA GOWRI, J.



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