



W.P.(MD).No.2900 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2900 of 2024

Arockiyasami

... Petitioner

Vs

1. The Registrar of Co-Operative Societies,
O/o.Co-operative Societies,
No. 170, NV Nataraj Maaligai, Kilpauk, Chennai.
2. The Joint Registrar,
O/o. Co-operative Societies, Sivagangai District.
3. The Deputy Registrar,
O/o. Co-operative Societies,
Sivagangai 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 respondent no.2 to grant guaranteed 5 % personal pay out of basic pay along with arrears to petitioner for the service of Record Clerk as per G.O.Ms.No. 873, dated 27.12.1993 from the period 02.02.2011 to 30.04.2018 and Record Assistant service rendering by petitioner from the appointment period, dated 01.05.2018 to till date as per G.O.Ms.176 dated 30.04.2009 by considering petitioner's representation, dated 30.08.2021 and 04.03.2022.

For Petitioner : Mr. S.Rajasekar



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For Respondents : Mr.J.K.Jayaselan (R1 - R3)
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus, directing the respondent no.2 to grant guaranteed 5 % personal pay out of basic pay along with arrears to petitioner for the service of Record Clerk as per G.O.Ms.No. 873, dated 27.12.1993 from the period 02.02.2011 to 30.04.2018 and Record Assistant service rendering by petitioner from the appointment period, dated 01.05.2018 to till date as per G.O.Ms.176 dated 30.04.2009 by considering petitioner's representation, dated 30.08.2021 and 04.03.2022.

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 Government Advocate appearing for the respondents. Perused the materials on record.



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4.The petitioner is working as Record Assistant from the year 2018 and continued his service till date, without getting 5 % personal pay out of basic pay, though he is entitled for the same in terms of G.O.Ms.176 dated 30.04.2009. In this regard, he made representations to the second respondent on 06.01.2020, 18.08.2021, 30.08.2021 and the same were not 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.

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



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second respondent to consider the representations of the petitioner 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.

4. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

09.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Registrar of Co-Operative Societies,
O/o. Co-operative Societies,
No. 170, NV Nataraj Maaligai, Kilpauk, Chennai.
2. The Joint Registrar,
O/o. Co-operative Societies, Sivagangai District.
3. The Deputy Registrar,
O/o. Co-operative Societies,
Sivagangai District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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