



W.P.(MD).No.4570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4570 of 2024

P.Vellaisamy

... Petitioner

Vs.

- 1.The Joint Registrar,
Office of the Joint Registrar of
Cooperative Societies,
TPK Road,
Palanganathan Roundana near,
Madurai-3,
Ramanathapuram Post and District.
- 2.The Deputy Registrar,
Office of the Deputy Registrar of
Cooperative Societies,
Usilampatti at Jawahar Nagar,
Thirumangalam,
Madurai District.
- 3.M.D.Spl 78, Illupakulam Primary
Agricultural Cooperative Credit
Society Ltd., Rep. by its Administrator,
Maruthangudi Post,
Kallikudi Taluk,
Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to sanction and settle the petitioner's personal benefits like encashment of earned leave salary, balance PF amount and gratuity with interest at the rate of 1% from 01.04.2007 based on petitioner representation dated 17.02.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.G.Pethanaraj

For Respondents : Mr.R.Ragavendran,
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 to sanction and settle the petitioner's personal benefits like encashment of earned leave salary, balance PF amount and gratuity with interest at the rate of 1% from 01.04.2007 based on petitioner representation dated 17.02.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined as a Salesman under the 3rd respondent society on 15.06.1978. The petitioner resigned his job on 22.10.2007 and relieved from service without any remarks. He is entitled to gratuity, earned leave salary and provident fund which was accumulated in the 3rd respondent society in his name. The petitioner had approached the respondents directly, seeking to disburse his retirement benefits including earned leave salary, EPF amount and gratuity etc., The 3rd respondent has partly paid. However, the remaining benefits are not paid so far. Despite making several requests, by the petitioner, the 3rd respondent not disburse the petitioner's gratuity, earned leave salary and other benefits. Hence, lastly, the petitioner made a representation on 17.02.2023. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.



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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 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 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.

6. Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the respondents to consider the representation of the petitioner dated 17.02.2023 and pass appropriate orders 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 Writ Petition stands disposed of. No costs.

28.02.2024

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



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L.VICTORIA GOWRI, J.

Sml

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