



W.P.(MD).No.4545 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.4545 of 2024

V.S.Jeyabalan

... Petitioner

Vs.

1.The Joint Registrar,
Office of the Joint Registrar of
Cooperative Societies,
Thiruppattur Road,
Sivagangai-630 562.

2.The Deputy Registrar,
Office of the Deputy Registrar of
Cooperative Societies,
Thiruppattur Road,
Sivagangai-630 562.

3.The Administrator / Management,
R.S.751, Kalayarkoil Kaleeswarar
Mills Employees Cooperative
Thrift and Credit Society,
C/o. The Deputy Registrar of
Cooperative Societies,
Thiruppattur Road,
Sivagangai.

... 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, gratuity and Salary dues for 4 months with interest at the rate of 12% from 01.12.2011 based on petitioner representation dated 21.06.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.G.Pethanaraj

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

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, gratuity and Salary dues for 4 months with interest at the rate of 12% from 01.12.2011 based on petitioner representation dated 21.06.2023.

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 Secretary under the 3rd respondent society on 01.06.1976. The petitioner resigned his job on 30.11.2011 and was 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 his retirement benefits of earned leave salary, EPF amount and gratuity etc., However, the same was not paid. The 3rd respondent deposited the reserve fund in the Sivagangai District Central Cooperative Bank to the tune of Rs. 4,00,000/- (Rupees Four Lakhs only) in SB Account towards the petitioner's retirement benefits. However, the other benefits are not paid so far. Despite several requests, by the petitioner, the 3rd respondent did not disburse the petitioner's gratuity, earned leave salary and other benefits. Hence, lastly, the petitioner made a representation on 21.06.2023. Since the same was not considered by the respondents, the present writ petition came to be filed.



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

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 21.06.2023 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.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

28.02.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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