



WP.(MD).No.6102 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6102 of 2024
and
W.M.P.(MD)No.5743 of 2024

R.Gunasekaran

... Petitioner

Vs.

1.The Registrar of Co operative Societies (Housing),
Veppery, Chennai.

2.The Regional Deputy Registrar of
Cooperative Societies (Housing),
Thanjavur, Thanjavur District.

3.Thirubuvanam Cooperative House Building,
Society Lt., C.857,
Rep. By its Special Officer,
Thirubuvanam-612 103,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to disburse the terminal benefits and other attendant benefits like provident fund, Gratuity, etc payable to the petitioner on the basis of the proceedings bearing Na.Ka.No. 705/2019/sp dated 11.11.2021.



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For Petitioner : Mr.M.Gnana Guru Nathan
For Respondents 1 & 2 : Mr.R.Ragavendran
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of the case, notice to the third respondent is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 1 and 2 to disburse the terminal benefits and other attendant benefits like provident fund, Gratuity, etc payable to the petitioner on the basis of the proceedings bearing Na.Ka.No.705/2019/sp dated 11.11.2021.

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

(i)The petitioner was appointed as a Clerk in the third respondent Housing Society by the proceedings of the third respondent Society dated 16.10.1978. While so, due to non availability of funds in the third respondent Society, the petitioner was not paid with salary for a period of 28 months in 2009-2012 to



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the tune of Rs.3,83,598/-. The second respondent had given a report dated 29.01.2018 to the first respondent that the third respondent Society owns property worth more than Rs.1.5 Crores and the third respondent can be run by securing funds from the said properties even if the Government is not providing funds for running the same.

(ii)In the meanwhile, the Society came to be woundup. The petitioner had retired from service in the year 2013 itself. Thereafter, the petitioner submitted several representations to the respondents to disburse the entire retirement (monetary) benefits and other attendant benefits like Provident fund, gratuity, etc. However, the same was not considered. Hence, a Writ Petition in W.P.(MD)No.523 of 2021 came to be filed to disburse the monetary benefits and other attendant benefits. This Court by order dated 18.01.2021, was pleased to dispose of the Writ Petition by directing the second respondent to consider the petitioner's representation dated 12.01.2018 and 24.10.2020. In the meanwhile, the second respondent had sent a communication dated 11.11.2021, by informing that the petitioner's monetary benefits would be settled. However, till date, the benefits has not been paid to him. Hence,



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this Writ Petition came to be filed.

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4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and carefully perused the entire 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.In view of the same, without going into merits of the case, this Court hereby direct the respondents 1 and 2 to consider the petitioner's representation dated 04.07.2017 and 12.01.2018 and forthwith issue the petitioner's terminal benefits including gratuity and EPF and arrears of salary within a period of 16 weeks from the



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date of receipt of copy of this order.

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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Registrar of Co operative Societies (Housing),
Veppery, Chennai.
2. The Regional Deputy Registrar of
Cooperative Societies (Housing),
Thanjavur, Thanjavur District.



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L.VICTORIA GOWRI, J.

Mrn

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