



WP.(MD).No.6701 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6701 of 2024

Meenammal

... Petitioner

Vs.

The Joint Registrar/Administrator,
Office of the Ramanathapuram District,
Central Coop Bank Ltd.,
Vandikkara Street,
Ramanathapuram.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to sanction and settle the petitioner's husband gratuity amount of Rs.97,737/- with interest from 30.06.2006 and also pay the "Karaunai Pension Thogai" Rs.2,500/- based on my representation dated 15.09.2023 and 29.12.2023 as per G.O. (Nilai) 160 dated 11.11.2020.

For Petitioner

: Mr.R.Saravanan

For Respondent

: Mr.D.Shanmugaraja Sethupathy

ORDER

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



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2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondent to sanction and settle the petitioner's husband gratuity amount of Rs.97,737/- with interest from 30.06.2006 and also pay the "Karunai Pension Thogai" Rs.2,500/- based on her representation dated 15.09.2023 and 29.12.2023 as per G.O. (Nilai) 160 dated 11.11.2020.

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

The petitioner's husband late Paramasivam was working as a Assistant in the respondent Bank from 13.10.1995 and he was allowed to retire from service pending criminal case on attaining the age of superannuation. His last drawn pay was Rs.15,401/-. In the meanwhile, he passed away on 25.09.2022. While the petitioner's husband was alive, he claimed gratuity. However, the same was refused by the respondent bank. For which, the petitioner's husband filed a case before the Deputy Commissioner of Labour under the Payment of Gratuity Act. After due enquiry, the Deputy Commissioner of Labour passed an order in P.G.No.18 of 2018 dated 16.03.2021 and the respondent was directed to pay the



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gratuity amount of Rs.97,737/- with interest from his date of retirement I.e., on 30.06.2006. However, the said order was challenged by the respondent bank by filing W.P.(MD)No.9150 of 2021 and the same is pending. For the reason that the said Writ Petition is pending, so far the petitioner husband's gratuity has not been paid. Hence, the petitioner made representations on 15.09.2023 and 29.12.2023 seeking the respondent to sanction and settle the petitioner husband's gratuity and other terminal benefits with interest and the same is not considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondent 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



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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 respondent Bank to consider the petitioner's representations dated 15.09.2023 and 29.12.2023 and pass appropriate order in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

21.03.2024

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



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L.VICTORIA GOWRI, J.

Mrn

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