



W.P(MD)No.7694 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.7694 of 2024

Malaiyappan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Palani, Dindigul District.

2.A-303 Thennampatti Primary
Agricultural Co-operative Credit Society,
Represented by its President,
Thennampatti, Dindigul 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 1st and 2nd respondents to consider the petitioner's representation, dated 15.03.2024 and direct them to release the arrears due including the subsistence allowance and leave salary amounts of the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.Karthikeya Venkitachalapathy
for Mr.E.Satheesh

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



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ORDER

The present writ petition has been filed seeking direction to the 1st and 2nd respondents to consider the petitioner's representation, dated 15.03.2024 and direct them to release the arrears due including the subsistence allowance and leave salary amounts of the petitioner.

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

3. The petitioner was working as a Secretary in the 2nd respondent Society since 25.03.1995. On 30.06.2010, he was suspended from service and subsequently, terminated from service on 08.05.2013. He is entitled to subsistence allowance during the period of his suspension from 30.06.2010 to 08.05.2013. He was also entitled for leave encashment for the days, for which he has not availed leave available to him during his service period for about 240 days. The total leave encashment amount which is payable to him is Rs. 1,68,504/-. The amount to which he is entitled towards subsistence allowance is Rs.6,95,425/-. However, an amount of Rs.3,45,349/- out of the said total



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subistence allowance has been paid to him and an amount of Rs.3,50,076/- is still pending and the same is still and the same is payable to him. Hence, the petitioner made a representation on 07.01.2023 to the 2nd respondent requesting to release the due amount. Thereafter, again he sent a representation on 15.03.2024. Since the same were not considered, this writ petition came to be filed.

4. 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.

5. Without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representation, dated 15.03.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.



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6. With the above said observations, this Writ Petition stands disposed of. No costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Palani, Dindigul District.
- 2.The President,
A-303 Thennampatti Primary
Agricultural Co-operative Credit Society,
Thennampatti, Dindigul District.



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L.VICTORIA GOWRI, J.

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