



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10330 of 2023

and

W.M.P.(MD)Nos.9170 and 9172 of 2023

C.Sekar

... Petitioner

Vs.

1.The Zonal Joint Registrar /Reviewing Authority,
(Co-operative Public Distribution Scheme),
Co-operative Zonal Joint Registrar office,
Pudukkottai District.

2.The Zonal Deputy Registrar,
(Co-operative Public Distribution Scheme),
Co-operative Zonal Deputy Registrar Office,
Pudukkottai District.

3.The Special Officer,
MM-390 Paachikottai Primary
Agricultura Cooperative Bank,
M.Raasiyamangalam,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the files of the 3rd respondent pertaining to its order dated 30.06.2008 and the consequential order passed by the 1st respondent by his proceedings in Na.Ka. 975/2011 A2 dated 17.02.2011 and to quash the same and consequently direct the respondents to reinstate the petitioner in service with all service and monetary benefits by considering the representation of the petitioner dated 21.03.2022 within a time frame that may be fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition challenging the order of the third respondent dated 30.06.2008 and the consequential order passed by the first respondent by proceedings in Na.Ka.975/2011 A2 dated 17.02.2011 and to direct the respondents to reinstate the petitioner in service with all service and monetary benefits by considering the representation of the petitioner dated 21.03.2022.

3.The petitioner was appointed as a Sales Man in the third respondent office. On the allegation that the petitioner had misappropriated the stock in his shop and forged the bills, he was placed under suspension and issued with a charge memo. On completion of the enquiry, the petitioner was dismissed from service on 30.06.2008 without taking note of the pending criminal case, which was later ended in favour of the petitioner. Hence, the petitioner made a representation dated 21.03.2022 to the respondents seeking to



reinstate him in service. Since the same was not considered so far, the petitioner has filed this writ petition.

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4. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 21.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



6.With the above direction, the Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Zonal Joint Registrar /Reviewing Authority,
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R.N.MANJULA, J.

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