



WP(MD). No.13945 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.13945 of 2024
and WMP(MD) No.12232 of 2024**

Moovendran. P

... Petitioner

Vs

1. The Registrar of Co-Operative Societies,
No.170, Nvn,
Kilpauk,Chennai..

2. The Deputy Registrar of Co-operative Societies, Madurai Circle,
Krishnarayapuram Tepakkulam Street,
Madurai..

3. The Managing Director,
A.3083 Tnsc - Madurai Employees Co-operative Society,
Thirst and Credit Society Limited,
94/4b, Pattukottaiyana Sundaram Street,
Byepass Road, Madurai 625016.

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's gratuity dues and other retirement benefits by considering the petitioner's representation dated 14.06.2023 within the time that may be stipulated by this Court.



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For Petitioner : Mr.Mahaboob Athiff M.,
For Respondents : Mr.M.Senthil Ayyanar for
R1 to R3
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The writ petition has been filed for a mandamus to direct the respondents to disburse the petitioner's gratuity dues and other retirement benefits by considering the petitioner's representation dated 14.06.2023 within the time that may be stipulated by this Court.

4. The petitioner was the employee of the third respondent Society and he retired on 31.05.2013, on attaining the age of superannuation. However, till date, his gratuity and terminal benefits have not been settled. Subsequently, the gratuity authority directed the 3rd respondent to disburse the petitioner's gratuity, which was challenged by the third



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respondent in WP(MD) No.9562/2016 and the said writ petition was dismissed on 11.01.2018. While so, surcharge proceedings initiated by the respondent were challenged by the petitioner in CMS CS Nos. 12 to 14 of 2015 on the file of the Principal District Judge, Madurai, which was subsequently allowed.

5. Even after a representation dated 07.08.2018 seeking disbursement of terminal benefits, the benefits were not settled. Hence, the petitioner preferred WP(MD) No.19523/2018 and the writ petition was disposed by directing the respondent to consider the claim of the petitioner. His claim was subsequently rejected. Subsequently, on 14.06.2023, the petitioner has again sent a representation. Since the same was not considered, the petitioner is before this Court with this writ petition.

6. The learned Government Advocate for the respondents submitted that surcharge proceedings has been initiated against the petitioner for the alleged loss caused by him during the services as secretary of the third respondent society and the civil miscellaneous



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appeal filed by the petitioner challenging the surcharge proceeding also got dismissed by the order of the Principal District Judge, Madurai on 06.04.2024 in CMA Nos.12/2015 and 13/2015.

7. 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 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.

8. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 14.06.2023 on its own merits and pass appropriate orders in accordance



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with law, after making due enquiry, 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 case or the claim of the petitioner and it is open to the respondent to consider the same on its own merits.

9. With the above direction, this writ petition is **disposed of**. No costs. Consequently connected Miscellaneous Petition is closed.

28.06.2024

RR

To

1. The Registrar of Co-Operative Societies,
No.170, Nvn,Kilpauk,Chennai..

2. The Deputy Registrar of Co-operative Societies, Madurai Circle,
Krishnarayapuram Tepakkulam Street,
Madurai..

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R.N.MANJULA,J

RR

**ORDER
IN
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