



W.P.(MD).No.17697 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17697 of 2021

S.Ramaiah

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Kovilpatti,
Thoothukudi District.

2.The President,
TN SPL 117, Thittankulam,
Primary Agricultural Co-operative Credit Society,
Thittankulam, Kovilpatti,
Thoothukudi District.

3.The President,
TK 27, Naduvirpatti,
Primary Agricultural Co-operative Credit Society,
Ettaiyapuram,
Thoothukudi 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 respondent to take necessary action the 2nd respondent to disburse the retirement monetary benefit of Rs.6,86,000/- (Rupees Six Lakhs Eighty Six Thousand Only) with 12% interest from the date of petitioner's retirement i.e. 31.03.2020.



W.P.(MD).No.17697 of 2021

For Petitioner : Mr.R.Saravanan
For R1 : Mr.S.Kameswaran
Government Advocate
For R2 & R3 : Mr.A.K.Manikkam

ORDER

The present writ petition has been filed for a Mandamus seeking a direction to the 1st respondent to take necessary action directing the 2nd respondent to disburse the retirement monetary benefit of Rs.6,86,000/- (Rupees Six Lakhs Eighty Six Thousand Only) with 12% interest from the date of petitioner's retirement i.e. 31.03.2020.

2. The petitioner was appointed as Salesman on 01.07.1988 in the 2nd respondent Society. He was further promoted as Clerk on 01.04.1998 and further promoted as Secretary on 01.07.2006 in the 2nd respondent Society. Thereafter, he was transferred to the 3rd respondent Society as Secretary on 23.07.2015 on foreign service. He attained the age of superannuation on 31.03.2020 and he was allowed to retire. However, as far as his retirement benefits is concerned, the 2nd respondent had paid only the gratuity amount on 08.12.2020, but not other retirement benefits to a sum of Rs.6,86,060/-. Despite



W.P.(MD).No.17697 of 2021

he approached the respondents 2 and 3 in person for disbursal of the same, nothing turned up positively. Despite the 2nd respondent had sent a letter on 26.03.2020 to the Joint Registrar of Co-operative Societies, Thoothukudi Region recommending the case of the petitioner for disbursal of retirement benefits, no steps have been taken. Hence, he made a representation to the 2nd respondent on 16.10.2020 and finally on 04.02.2021. Since the same was not considered, this writ petition came to be filed.

3. 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.

4. Considering the limited scope of the relief sought for by the petitioner, this Court direct the 2nd respondent to consider the representation of the petitioner, dated 04.02.2021 and take necessary steps to disburse the terminal



W.P.(MD).No.17697 of 2021

benefits of the petitioner. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petitions stands disposed of. No costs.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
gbg

To

1.The Deputy Registrar of Co-operative Societies,
Kovilpatti,
Thoothukudi District.

2.The President,
TN SPL 117, Thittankulam,
Primary Agricultural Co-operative Credit Society,
Thittankulam, Kovilpatti,
Thoothukudi District.



WEB COPY



W.P.(MD).No.17697 of 2021

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.17697 of 2021

26.07.2024