



W.P.(MD).No.30515 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30515 of 2023

Ramasamy

... Petitioner

Vs

1. The Joint Registrar of Co-operative Society,
Office of Joint Registrar,
Thanjavur, Thanjavur District.
2. The Special Officer,
T505 Primary Agricultural Cooperative Bank,
Cholagankarai, Thanjavur 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 respondents to grant retirement benefits including Gratuity amount, EPF Amount, Surrender Leave Pay and other monetary benefits to the petitioner on the basis of the petitioner's representation, dated 11.10.2023.

For Petitioner : Mr. S.Deenadhayalan

For Respondents : Mr.M.Sarangan
Additional Government Pleader



W.P.(MD).No.30515 of 2023

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ORDER

The present writ petition has been filed seeking direction to the respondents to grant retirement benefits including Gratuity amount, EPF Amount, Surrender Leave Pay and other monetary benefits to the petitioner on the basis of the petitioner's representation, dated 11.10.2023.

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

3. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner has been appointed as a Salesman in the second respondent office on 01.10.1993 and his service was regularized and he retired after attaining the age of superannuation on 31.03.2023. He was working as Salesman from 01.10.1993 for more than 20 years of service. After retirement, he was not disbursed with retirement benefits including Gratuity Amount, EPF Amount, Surrender Leave Pay.



W.P.(MD).No.30515 of 2023

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(ii).In this regard, he made several written representations before the respondents on 25.03.2023, 10.04.2023 and 11.10.2023 seeking to disburse his retirement benefits. However, the same were not considered. Hence, this petition came to be filed.

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 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 11.10.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



W.P.(MD).No.30515 of 2023

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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

10.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Thanjavur, Thanjavur District.
2. The Special Officer,
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W.P.(MD).No.30515 of 2023

L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.30515 of 2023**

10.01.2024