



W.P.(MD).No.3020 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3020 of 2024

Karboora Sundarapandian

... Petitioner

Vs

1. The Registrar (Housing),
Office of the Registrar of Co-op Societies,
Veppari, Chennai.
2. The Deputy Registrar (Housing),
Office of the Deputy Registrar (Housing),
Madurai Region, Baskar Complex,
Chinnachockkikulam,
Madurai.
3. MDH HSG 143 Elumalai Co-operative Housing Society Limited,
Elumalai by its Administrator,
Peraiyoor Taluk, Madurai 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 2 and 3 to pass appropriate to continuously allow the petitioner in the post of clerk in the 3rd respondent Society and consider the erstwhile, nominated Board of Directors representation, dated 14.07.2023.

For Petitioner : Mr. R.Saravanan
For Respondents : Mr.C.Baskaran
Government Advocate



W.P.(MD).No.3020 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the respondents 2 and 3 to pass appropriate order to continuously allow the petitioner in the post of clerk in the 3rd respondent Society and consider the erstwhile, nominated Board of Directors representation, dated 14.07.2023.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the 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 Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was appointed as Office Assistant in the third respondent Society on 15.02.2015 on daily basis. He was confirmed and received consolidated pay of Rs.5,000/-. The erstwhile Board of Management of 3rd respondent and the petitioner entered into a settlement under Section 18(1) of Industrial Disputes Act on 15.04.2021 regarding the wage revision.



W.P.(MD).No.3020 of 2024

The petitioner was working more than six years under the third respondent Society and also completed 480 days of continuous work. Hence, he deemed to be permanently absorbed in the said post. On that basis, he sent a representation to confirm his post and fix the time scale of pay. The 3rd respondent has conducted a board meeting on 14.07.2023 and permanently absorbed his post and the same was sent for approval to the 2nd respondent on 14.07.2023. However, the salary dues of the petitioner was not paid, since he was appointed under Rule 149 of TNCS Rules. Hence, this writ 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 the respondents to consider the same within a stipulated time.



W.P.(MD).No.3020 of 2024

WEB COPY

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the second and third respondents to consider the representation of the petitioner, dated 14.07.2023 and pass appropriate order in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Registrar (Housing),
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Veppari, Chennai.
2. The Deputy Registrar (Housing),
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W.P.(MD).No.3020 of 2024

L.VICTORIA GOWRI, J.

PNM

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13.02.2024