



WP.(MD).No.159 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.159 of 2024

R.Nagalakshmi

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
Periyar EVR High Road,
Kilpauk, Chennai -600 010.

2.The Regional Joint Registrar of Co-operative Societies,
The Office of the Regional Joint Registrar of
Co-operative Societies,
Theni Region.

3.The Deputy Registrar of Co-operative Societies,
Vadugapatti Road,
Periyakulam,
Theni District.

4.The Management,
A.485, Periyakulam Co-operative Store Ltd.,
Periyakulam, Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay all the retirement benefits to the petitioner with



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interest based on the representation made by the petitioner dated 07.08.2023.

For Petitioner : Mr.G.Murugan
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to pay all the retirement benefits to the petitioner with interest based on the representation made by the petitioner dated 07.08.2023.

2.Heard Mr.G.Murugan, learned counsel appearing for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents and perused the entire materials available on record.

3.The petitioner was appointed as a Salesman in the fourth respondent Stores on 15.02.1992 on compassionate ground. Later he was promoted as a Clerk of the fourth respondent Stores. Though he was appointed as Clerk, he also did the duty as Cashier from 01.02.2013 till 31.03.2020. Though the petitioner attained the age of superannuation on 31.05.2020, he was given extension for a



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further period of two years and thereafter, he was retired on 31.05.2022. During the extension period of petitioner's service, he was suspended on 30.06.2021. Without revoking the order of suspension, he was permitted by the President of the Society to join duty on 25.02.2022. On the basis of which, he joined on 07.03.2022 and signed the attendance and sought for subsistence allowance. Thereafter, subsequently, the order of suspension was revoked and he was permitted to join duty on 05.04.2022 and he continuously worked till his date of retirement on 31.05.2022. Even after his retirement, he was not paid with retirement benefits. Hence, the petitioner has sent a representation dated 07.08.2023 to the respondents. However, the same was not considered. Hence, this Writ Petition came to be filed.

4.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



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invoking the extraordinary powers under Article 226 of the Constitution of India.

5. In view of the same, without going into the merits, this Court hereby directs the respondents to consider the representation of the petitioner dated 07.08.2023 and to pass appropriate order in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

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